MARYLAND COMMISSION

ON

CRIMINAL SENTENCING POLICY

APPENDIX TO FINAL REPORT

December 31, 1998

LIST OF APPENDIXES

LEGISLATIVELY MANDATED CRIMINAL PENALTIES IN MARYLAND.			
Offense	*Legislative Reference*	*Legislative Text*	*Mandatory Minimum Penalty*
1. Handgun - wearing, carrying, or transporting (Continued on next page)	Art. 27, §36B(b)(2)	(b)(2) If the person has previously been once convicted of unlawfully wearing, carrying, or transporting a handgun in violation of this section, or of unlawfully using a handgun in the commission of a crime in violation of subsection (d) of this section, or of unlawfully carrying a concealed weapon in violation of §36 of this article, or of unlawfully carrying a deadly weapon on public school property in violation of §36A of this article, he shall be sentenced to the Maryland Division of Correction for a term of not less than 1 year nor more than 10 years, and it is mandatory upon the court to impose no less than the minimum sentence of 1 year; provided, however, that if it shall appear from the evidence that the handgun was worn, carried, or transported on any public school property in this State, the court shall impose a sentence of imprisonment of not less than three years.	Minimum: 1 Year Minimum: 3 Years (Public School Property)
	Art. 27, §36B(b)(3)	(b)(3) If the person has previously been convicted more than once of unlawfully wearing, carrying, or transporting a handgun in violation of this section, or of unlawfully using a handgun in the commission of a crime in violation of subsection (d) of this section, or of unlawfully carrying a concealed weapon in violation of §36 of this article, or of unlawfully carrying a deadly weapon on public school property in violation of §36A of this article, or any combination thereof, he shall be sentenced to the Maryland Division of Correction for a term of not less than three years nor more than 10 years, and it is mandatory upon the court to impose no less than the minimum sentence of three years; provided, however, that if it shall appear from the evidence that the handgun was worn, carried, or transported on any public school property in this State, the court shall impose a sentence of imprisonment of not less than 5 years.	Minimum: 3 Years Minimum: 5 Years (Public School Property)
	Art. 27, §36B(b)(4)	(b)(4) If it shall appear from the evidence that any handgun referred to in this subsection was carried, worn, or transported with the deliberate purpose of injuring or killing another person, the court shall impose a sentence of imprisonment of not less than 5 years.	Minimum: 5 Years

APPENDIX A

LEGISLATIVELY MANDATED CRIMINAL PENALTIES IN MARYLAND.			
Offense	*Legislative Reference*	*Legislative Text*	*Mandatory Minimum Penalty*
1. Handgun - wearing, carrying, or, transporting	Art. 27, §36B(d)(e)	(d) Any person who shall use a handgun or an antique firearm capable of being concealed on the person in the commission of any felony or any crime of violence as defined in §441 of this article, whether operable or inoperable at the time of the offense, shall be guilty of a separate misdemeanor and on conviction thereof shall, in addition to any other sentence imposed by virtue of commission of said felony or misdemeanor: (1) For a first offense, be sentenced to the Maryland Division of Correction for a term of not less than 5 nor more than 20 years; and (i) It is mandatory upon the court to impose no less than the minimum sentence of 5 years; and (ii) Except as otherwise provided in Article 31B, §11 of the Code, the person is not eligible for parole in less than 5 years; and (2) For a second or subsequent offense, be sentenced to the Maryland Division of Correction for a term of not less than 5 nor more than 20 years, and it is mandatory upon the court to impose no less than a minimum consecutive sentence of 5 years which shall be served consecutively and not concurrently to any other sentence imposed by virtue of the commission of said felony or misdemeanor. (e) Notwithstanding any other provision of law to the contrary, including the provisions of §643 of this article, (1) except with respect to a sentence prescribed in subsection (b)(1) of this section, no court shall enter a judgement for less than the mandatory minimum sentence prescribed in this subheading in those cases for which a mandatory minimum sentence is specified in this subheading; (2) except with respect to a sentence prescribed in subsection (b)(1) of this section, no court shall suspend a mandatory minimum sentence prescribed in this subheading; (3) except with respect to a sentence prescribed in subsection (b)(1) of this section for wearing, carrying, or transporting a handgun in violation of §36B other than on public school property, no court shall enter a judgement of probation before or without verdict with respect to any case arising under this subheading; and (4) except with respect to a sentence prescribed in subsection (b)(1) of this section no court shall enter a judgement of probation after verdict with respect to any case arising under this subheading which would have the effect of reducing the actual period of imprisonment prescribed in this subheading as a mandatory minimum sentence.	Minimum: 5 Years (1st offense) Minimum: 5 Years Served Consecutively (Subsequent Offense)

LEGISLATIVELY MANDATED CRIMINAL PENALTIES IN MARYLAND.			
Offense	*Legislative Reference*	*Legislative Text*	*Mandatory Minimum Penalty*
2. Assault Pistols- Penalty	Art. 27, §36H-6(b)	(b) Any person who uses an assault pistol, or a magazine that has a capacity of more than 20 rounds of ammunition, in the commission of any felony or any crime of violence as defined in §441 of this article shall be guilty of a separate misdemeanor and on conviction thereof shall, in addition to any other sentence imposed by virtue of commission of the felony or misdemeanor: (1) For a first offense, be sentenced to the Maryland Division of Correction for a term of not less than 5 nor more than 20 years; and: (i) It is mandatory upon the court to impose no less than the minimum sentence of 5 years no part of which shall be suspended; and (ii) Except as otherwise provided in Article 31B, §11 of the Code, the person is not eligible for parole in less than 5 years; and (2) For a second or subsequent offense, be sentenced to the Maryland Division of Correction for a term of not less than 10 nor more than 20 years, and it is mandatory upon the court to impose no less than a minimum sentence of 10 years which shall be served consecutively and not concurrently to any other sentence imposed by virtue of the commission of the felony or misdemeanor.	Minimum: 5 Years (1st Offense) Minimum: 10 Years Served Consecutively (Subsequent Offense)

LEGISLATIVELY MANDATED CRIMINAL PENALTIES IN MARYLAND.			
Offense	*Legislative Reference*	*Legislative Text*	*Mandatory Minimum Penalty*
3. Use of weapon as separate crime--penalty	Art. 27, §281A(b)(c)	(b) During and in relation to any drug trafficking crime, a person who possesses a firearm under sufficient circumstances to constitute a nexus to the drug trafficking crime or who uses, wears, carries, or transports a firearm is guilty of a separate felony and on conviction shall, in addition to the sentence provided for the drug trafficking crime, be sentenced as follows: (1) (i) For a first offense, for a term of not less than 5 years nor more than 20 years. (ii) It is mandatory upon the court to impose no less than the minimum sentence of 5 years, no part of which may be suspended and the person may not be eligible for parole except in accordance with the provisions of Article 31B, §11 of the Code; and (2) (i) For a second or subsequent offense, for a term of not less than 10 nor more than 20 years. (ii) It is mandatory upon the court to impose no less than a minimum consecutive sentence of 10 years, no part of which may be suspended and the person may not be eligible for parole except in accordance with the provisions of Article 31B, §11 of the Code. (iii) The sentence shall be served consecutively and not concurrently to any other sentence imposed by virtue of the commission of the drug trafficking crime. (c) The minimum mandatory sentence provided in subsection (b)(1) and (2) of this section shall be doubled if the firearm is: (1) Any firearm listed in §36H-1 or §441 of this article; (2) A machine gun; or (3) Equipped with a firearm silencer or muffler.	Minimum: 5 Years (1st Offense) Minimum: 10 Years Served Consecutively (Subsequent Offense) Double Minimums for (b) if conditions specified in (c) apply.

LEGISLATIVELY MANDATED CRIMINAL PENALTIES IN MARYLAND.			
Offense	*Legislative Reference*	*Legislative Text*	*Mandatory Minimum Penalty*
4. Unlawful manufacture, distribution, counterfeiting, or possession of certain equipment for illegal use--penalty (Continued on next page)	Art. 27, §286(b)(3)	(b)(3) Any other controlled substance classified in Schedule I, II, III, IV, or V shall, upon conviction, be deemed guilty of a felony and sentenced to a term of imprisonment for not more than 5 years or a fine of not more than $15,000, or both. Any person who has previously been convicted under this paragraph shall be sentenced to imprisonment for not less than 2 years. The prison sentence of a person sentenced under this paragraph as a repeat offender may not be suspended to less than 2 years, and the person may be paroled during that period only in accordance with Article 31B, §11 of the Code.	Minimum: 2 Years (Subsequent Offense)
	Art. 27, §286(c)(1)(2)	(c)(1) A person who is convicted under subsection (b)(1) or subsection (b)(2) of this section, or of conspiracy to violate subsection (b)(1) or (b)(2) of this section shall be sentenced to imprisonment for not less than 10 years if the person previously has been convicted: (i) Under subsection (b)(1) or (b)(2) of this section; (ii) Of conspiracy to violate subsection (b)(1) or subsection (b)(2) of this section; or (iii) Of an offense under the laws of another state, the District of Columbia, or the United States that would be a violation of subsection (b)(1) or subsection (b)(2) of this section if committed in this State. (2) The prison sentence of a person sentenced under subsection (b)(1) or subsection (b)(2) of this section, or of conspiracy to violate subsection (b)(1) or subsection (b)(2) of this section or any combination of these offenses, as a second offender may not be suspended to less than 10 years, and the person may be paroled during that period only in accordance with Article 31B, §11 of the Code.	Minimum: 10 Years (Subsequent Offense)
	Art. 27, §286(d)(1)(2)	(1) A person who is convicted under subsection (b)(1) or subsection (b)(2) of this section or of conspiracy to violate subsection (b)(1) or subsection (b)(2) of this section shall be sentenced to imprisonment for the term allowed by law, but, in any event, not less than 25 years if the person previously: (i) Has served at least 1 term of confinement of at least 180 days in a correctional institution as a result of a conviction of a previous violation of this section or §286A of this article; and (ii) Has been convicted twice, where the convictions do not arise from a single incident: 1. Under subsection (b)(1) or subsection (b)(2) of this section; 2. Of conspiracy to violate subsection (b)(1) or subsection (b)(2) of this section; 3. Of an offense under the laws of another state, the District of Columbia, or the United States that would be a violation of subsection (b)(1) or subsection (b)(2) of this section if committed in this State; or 4. Of any combination of these offenses. (2) Neither the sentence required under paragraph (1) of this subsection nor any part of it	Minimum: 25 Years (Subsequent Offense)

LEGISLATIVELY MANDATED CRIMINAL PENALTIES IN MARYLAND.			
Offense	*Legislative Reference*	*Legislative Text*	*Mandatory Minimum Penalty*
4. Unlawful manufacture, distribution, counterfeiting, or possession of certain equipment for illegal use--penalty (Continued on next page)	Art. 27, §286(e)(1)(2)	(e)(1) A person who is convicted under subsection (b)(1) or subsection (b)(2) of this section or conspiracy to violate subsection (b)(1) or subsection (b)(2) of this section shall be sentenced to imprisonment for the term allowed by law, but in any event, not less than 40 years if the person previously has served 3 separate terms of confinement as a result of 3 separate convictions: (i) Under subsection (b)(1) or subsection (b)(2) of this section; (ii) Of conspiracy to violate subsection (b)(1) or subsection (b)(2) of this section; (iii) Of an offense under the laws of another state, the District of Columbia, or the United States that would be a violation of subsection (b)(1) or subsection (b)(2) of this section if committed in this State; or (iv) Of any combination of these offenses. (e)(2) Neither the sentence required under paragraph (1) of this subsection nor any part of it may be suspended, and the person may not be eligible for parole except in accordance with Article 31B §11 of the Code.	Minimum: 40 Years (Subsequent Offense)
	Art. 27, §286(f)(1)(3)	(f)(1) If a person violates subsection (a)(1) of this section and the violation involves any of the following controlled dangerous substances, in the amounts indicated, the person is subject to the penalties provided in paragraph (3) of this subsection upon conviction: (i) 50 pounds or more of marijuana; (ii) 448 grams or more of cocaine or 448 grams or more of any mixture containing a detectable amount of cocaine; (iii) 50 grams or more of cocaine base, commonly known as "crack"; (iv) 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium or any mixture containing 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium; (v) 1,000 dosage units of lysergic acid diethylamide or any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide; (vi) 16 ounces or more of phencyclidine in liquid form or 448 grams or more of any mixture containing phencyclidine; or (vii) 448 grams or more of methamphetamine or any mixture containing 448 grams or more of methamphetamine. (3) (i) A person convicted of violating (1) of this subsection is guilty of a felony and shall be sentenced as otherwise provided for in this section, except that it is mandatory upon the court to impose no less than 5 years' imprisonment, and neither that term of imprisonment nor any part of it may be suspended. (ii) The person may not be eligible for parole except in accordance with Article 31B, §11 of the Code.	Minimum: 5 Years

LEGISLATIVELY MANDATED CRIMINAL PENALTIES IN MARYLAND.			
Offense	*Legislative Reference*	*Legislative Text*	*Mandatory Minimum Penalty*
4. Unlawful manufacture, distribution, counterfeiting, or possession of certain equipment for illegal use--penalty	Art. 27, §286(g)(1)(2)	(g)(1) In this subsection, "drug kingpin" means a person who occupies a position of an organizer, supervisor, financier, or manager as a coconspirator in a conspiracy to manufacture, distribute, dispense, bring into, or transport in the State controlled dangerous substances. (2) A drug kingpin who conspires to manufacture, distribute, dispense, bring into, or transport in the State controlled dangerous substances in one or more of the amounts described under subsection (f) of this section is guilty of a felony and on conviction is subject to: (i) Imprisonment for not less than 20 nor more than 40 years without the possibility of parole, and it is mandatory on the court to impose no less than 20 years' imprisonment, no part of which may be suspended; and (ii) A fine of not more than $1,000,000.	Minimum: 20 Years
5. Manufacture, distribution, or delivery of controlled substances near schools or on school vehicles	Art. 27, 286D(b)	(b)(1) A person who violates the provisions of this section, on conviction, shall be subject to the following penalties: (i) For a first offense, imprisonment for not more than 20 years or a fine of not more than $20,000 or both; or (ii) For a second or subsequent offense, imprisonment for not less than 5 years or more than 40 years or a fine of not more than $40,000 or both. It is mandatory for the court to impose a minimum sentence of 5 years, which may not be suspended, and a person is not eligible for parole during that period, except in accordance with Article 31B, §11 of the Code. (2) A sentence imposed under this subsection shall be served consecutively to any other sentence imposed.	Minimum: 5 Years (Subsequent Offense)
6. Penalty for murder.	Art. 27, §412(b)	(b) Except as provided under subsection (g) of this section, a person found guilty of murder in the first degree shall be sentenced to death, imprisonment for life, or imprisonment for life without the possibility of parole. The sentence shall be imprisonment for life unless: (1) (i) the State notified the person in writing at least 30 days prior to trial that it intended to seek a sentence of death, and advised the person of each aggravating circumstance upon which it intended to rely, and (ii) a sentence of death is imposed in accordance with §413; or (2) the State notified the person in writing at least 30 days prior to trial that it intended to seek a sentence of imprisonment for life without the possibility of parole under §412 or §413 of this article.	Minimum: Life Imprisonment

LEGISLATIVELY MANDATED CRIMINAL PENALTIES IN MARYLAND.			
Offense	*Legislative Reference*	*Legislative Text*	*Mandatory Minimum Penalty*
7. Mandatory sentences for any crime of violence	Art. 27, §643B(b)(c)(d)	(b) Except as provided in subsections (f) and (g) of this section, any person who has served three separate terms of confinement in a correctional institution as a result of three separate convictions of any crime of violence shall be sentenced, on being convicted a fourth time of a crime of violence, to life imprisonment without the possibility of parole. Regardless of any other law to the contrary, the provisions of this section are mandatory. (c) Except as provided in subsections (f) and (g) of this section, any person who (1) has been convicted on two separate occasions of a crime of violence where the convictions do not arise from a single incident, and (2) has served at least one term of confinement in a correctional institution as a result of a conviction of a crime of violence, shall be sentenced, on being convicted a third time of a crime of violence, to imprisonment for the term allowed by law, but, in any event, not less than 25 years. The court may not suspend all or part of the mandatory 25-year sentence required under this subsection, and the person shall not be eligible for parole except in accordance with the provisions of Article 31B, §11. A separate occasion shall be considered one in which the second or succeeding offense is committed after there has been a charging document filed for the preceding occasion. (d) Except as provided in subsection (g) of this section, any person who has been convicted on a prior occasion of a crime of violence, including a conviction for an offense committed before October 1, 1994, and has served a term of confinement in a correctional institution for that conviction shall be sentenced, on being convicted a second time of a crime of violence committed on or after October 1, 1994, to imprisonment for the term allowed by law, but, in any event, not less than 10 years. The court may not suspend all or part of the mandatory 10-year sentence required under this subsection.	Minimum: Life Imprisonment without Possibility of Parole Minimum: 25 Years Minimum: 10 Years
8. State may not execute any inmate who is incompetent	Art. 27, §75A(d)	(d)(3) If the court finds the inmate to be incompetent it shall stay any warrant of execution that was previously entered and has not yet expired and remand the case to the court in which the sentence of death was imposed, which shall strike the sentence of death and enter in its place a sentence of life imprisonment without the possibility of parole. The sentence shall be mandatory and may not be suspended, in whole or in part.	Minimum: Life Imprisonment

APPENDIX B

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SENTENCING MATRIX FOR OFFENSES AGAINST PERSONS

Offense Score	Offender Score 0	1	2	3	4	5	6	7 or more
1	P	P	P-3M	3M-1Y	3M-18M	3M-2Y	6M-2Y	1Y-3Y
2	P-6M	P-1Y	P-18M	3M-2Y	6M-3Y	1Y-5Y	18M-5Y	3Y-8Y
3	P-2Y	P-2Y	6M-3Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y
4	P-3Y	6M-4Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y	5Y-12Y
5	3M-4Y	6M-5Y	1Y-6Y	2Y-7Y	3Y-8Y	4Y-10Y	6Y-12Y	8Y-15Y
6	1Y-6Y	2Y-7Y	3Y-8Y	4Y-9Y	5Y-10Y	7Y-12Y	8Y-13Y	10Y-20Y
7	3Y-8Y	4Y-9Y	5Y-10Y	6Y-12Y	7Y-13Y	9Y-14Y	10Y-15Y	12Y-20Y
8	4Y-9Y	5Y-10Y	5Y-12Y	7Y-13Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-25Y
9	5Y-10Y	7Y-13Y	8Y-15Y	10Y-15Y	12Y-18Y	15Y-25Y	18Y-30Y	20Y-30Y
10	10Y-18Y	10Y-21Y	12Y-25Y	15Y-25Y	15Y-30Y	18Y-30Y	20Y-35Y	20Y-L
11	12Y-20Y	15Y-25Y	18Y-25Y	20Y-30Y	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L
12	15Y-25Y	18Y-25Y	18Y-30Y	20Y-35Y	20Y-35Y	25Y-40Y	25Y-L	25Y-L
13	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L	25Y-L	30Y-L	L	L
14	20Y-L	25Y-L	28Y-L	30Y-L	L	L	L	L
15	25Y-L	30Y-L	35Y-L	L	L	L	L	L

P=Probation M=Months Y=Year L=Life

(Rev. 7/87)

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SENTENCING MATRIX FOR DRUG OFFENSES

OFFENSE	OFFENDER SCORE 0	1	2	3	4	5	6	7 or more
SERIOUSNESS CATEGORY VII	P	P	P	P-1M	P-3M	P-6M	3M-6M	6M-12M
SERIOUSNESS CATEGORY V	P-6M	P-12M	3M-12M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y
SERIOUSNESS CATEGORY IV	P-12M	P-18M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y	3.5Y-5Y
SERIOUSNESS CATEGORY III EXCEPT IMPORTATION	6M-3Y	1Y-3Y	18M-4Y	3Y-7Y	4Y-8Y	5Y-10Y	7Y-14Y	12Y-20Y
SERIOUSNESS CATEGORY III IMPORTATION	1Y-4Y	2Y-5Y	3Y-6Y	4Y-7Y	5Y-8Y	6Y-10Y	8Y-15Y	15Y-25Y

P=Probation M=Months Y=Years

(Rev. 7/87)

SENTENCING MATRIX FOR PROPERTY OFFENSES

OFFENSE SERIOUSNESS CATEGORY	OFFENDER SCORE							
	0	1	2	3	4	5	6	7 or more
VII	P-1M	P-3M	3M-9M	6M-1Y	9M-18M	1Y-2Y	1Y-3Y	3Y-5Y
VI	P-3M	P-6M	3M-1Y	6M-2Y	1Y-3Y	2Y-5Y	3Y-6Y	5Y-10Y
V	P-6M	P-1Y	3M-2Y	1Y-3Y	18M-5Y	3Y-7Y	4Y-8Y	8Y-15Y
IV	P-1Y	3M-2Y	6M-3Y	1Y-4Y	18M-7Y	3Y-8Y	5Y-12Y	10Y-20Y
III	P-2Y	6M-3Y	9M-5Y	1Y-5Y	2Y-8Y	3Y-10Y	7Y-15Y	15Y-30Y
II	2Y-5Y	3Y-7Y	5Y-8Y	5Y-10Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-40Y

P=Probation M=Months Y=Years

An Examination of Unwarranted Sentencing Disparity Under Maryland's Voluntary Sentencing Guidelines

Report to

The Maryland Commission on Criminal Sentencing Policy
50 Maryland Avenue
Rockville, Maryland 20850

by

Claire Souryal
Charles Wellford

University of Maryland
Department of Criminology and Criminal Justice
2220 LeFrak Hall
College Park, MD 20740

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Sentencing Disparity and Sentencing Guidelines[1]

1. Introduction

A major purpose of structured sentencing schemes is to reduce unwarranted sentencing disparity. In contrast to indeterminate sentencing where judges and parole boards maintain wide discretion in determining criminal punishment, structured sentencing schemes (e.g., voluntary/descriptive sentencing guidelines, statutory determinate sentencing, presumptive/prescriptive sentencing guidelines) limit or structure the discretion of the judiciary in imposing criminal sanctions (Tonry, 1993:268).

Structured sentencing schemes are explicitly crafted to take into account legal characteristics pertinent to the sentencing outcome (e.g., prior record, offense seriousness). Sentencing disparity that springs from such legal characteristics is considered warranted disparity. Unwarranted sentencing disparity arises when extra-legal factors, say, race, class or gender, influence the sentencing outcome.

Examination of the influence of extra-legal factors (particularly race/ethnicity) on criminal justice processing in general has a long history in criminological research (Wolfgang, 1973). The impact of extra-legal factors on the *sentence* outcome in particular has received special attention due to the highly visible and symbolic nature of the sentencing decision (Blumstein et al., 1983:39). Despite the salience of the issue to the criminal justice system and the multitude of studies devoted to understanding the relationship between race and sentence

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[1]The research reported here was conducted for the Maryland Commission on Criminal Sentencing Policy. The Commission is not responsible for any of the results or interpretations.

outcome, consistent research findings have not emerged.

Nonetheless, the balance of research does not suggest a pattern of systemic or *overt* discrimination with regard to race in sentence outcomes. More subtle effects of race on sentence outcomes cannot be discounted, however. There is some evidence to suggest that in certain contexts, race influences the incarceration decision such that Black defendants are more likely than White defendants to receive a sentence of incarceration (Sampson & Lauritsen, 1997:355). However, race/ethnicity does not appear to directly influence sentence length contingent upon incarceration. In addition, there is evidence to suggest that the effect of race on the incarceration decision may operate indirectly through mediating variables such as pretrial release, plea bargaining practices, or work history. Although the implementation of structured sentencing schemes (most commonly presumptive sentencing guidelines) appears to have reduced unwarranted racial sentencing disparity as intended, evidence of racial disparity under such schemes persists (Tonry, 1993:168-169).

The following study will examine unwarranted sentencing disparity with respect to race/ethnicity in the state of Maryland under Maryland's voluntary sentencing guidelines system.[2] Specifically, it will assess whether an individual's race/ethnicity influences the probability of incarceration (i.e., the decision whether to incarcerate), and contingent upon incarceration, the length of sentence (adjusting for legal characteristics). In addition, it will explore whether the effect of race/ethnicity is equally likely to influence the sentence outcome among sentences that are *consistent* (or inconsistent) with the sentencing guidelines. The

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[2]The voluntary sentencing guidelines have been effect in Maryland since July 1, 1983. The guidelines were revised in January, 1987.

sentence outcome of roughly 81,000 individuals convicted in Maryland Circuit Courts between January, 1987 and September, 1996 will be analyzed.

2. *Literature Review*

2.1 Racial Disparity in Sentencing. The overrepresentation of minorities in prison populations relative to their percentage of the U.S. population clearly raises the possibility of unwarranted sentencing disparity.[3] Whether the observed disproportionality in prison populations stems from disproportional involvement of minorities in crime and/or to disparate or discriminatory treatment by the criminal justice system has been the subject of considerable debate (e.g., Crutchfield, 1994:166-167).

While the vast majority of sentencing research examines the correlation between race/ethnicity and sentencing outcome at the individual level, another approach assesses disproportionality in *imprisonment* by comparing aggregate Uniform Crime Report (UCR) arrest statistics and imprisonment rates by race. For example, Blumstein (1982) compared official UCR arrest statistics and imprisonment rates at the *national* level and found that 80% of the racial disproportionality in prisons in 1974 and 1979 appeared to be explained by disproportional involvement of minorities in crime.

Crutchfield et al. (1994:173) replicated Blumstein's approach using data collected in 1982 and found that 90% of the racial disproportionality in prisons nationwide may be attributed to disproportional minority involvement in crime. Crutchfield et al. (1994:175) then extended

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[3]A prison sentence is clearly the culmination of a series of criminal justice system decisions.

the analysis one step further by examining state level statistics. The state-level analysis revealed considerable variation in patterns of imprisonment. In some states, for example, racial disproportionality in imprisonment appeared to be entirely explained by disproportionate involvement in crime (i.e., arrest rates), whereas in other states less than sixty percent of the disproportionality in imprisonment was similarly explained. The Crutchfield et al. (1994:175) analysis revealed that approximately 66% of the imprisonment disparity in the state of Maryland in 1982 was explained by differences in rates of arrest for Whites and Nonwhites.

The most common form of sentencing disparity research examines the relationship between race/ethnicity and sentence outcome at the individual level. However, distinguishing the unique effect of extra-legal factors such as race on sentencing outcomes has proven to be a formidable methodological task. Research efforts suffer from omitted variable bias or measurement error (where variables relevant to the explanation of the sentence outcome which are also associated with race are either excluded from explanatory models or inadequately measured, thereby biasing the effect of race on the sentence outcome) (Blumstein et al., 1983:16). Sample selection bias also presents a problem in estimating the effect of race on sentence outcome when unobserved, nonrandom screening processes which occur at earlier decision-points in the criminal justice process (e.g., arrest or charging decisions) and are also associated with race are not taken into account (Klepper et al., 1983:64-65).

Over the last 60 years, four "Waves" of this line of sentencing research have been identified (distinguished mainly by methodological advances) (Zatz, 1987:71-81). The earliest research (Wave 1) on the relationship between race and sentencing revealed that race exerted a significant effect on sentence outcome. Wave I research (1930s-mid-1960s), however, is suspect

because it generally failed to control for relevant legal factors associated with the sentencing outcome (e.g., prior record). The second Wave of research (late 1960s-1970s) employed controls for legal factors such as prior record. Reviews of Wave II research (e.g., Hagan, 1974; Kleck, 1981) suggested that the apparent effect of race on sentencing outcome was largely an artifact of the failure in prior research to control for legally relevant variables (in particular, prior record). Thus, Wave II research appeared to advance what has been dubbed the "no discrimination thesis" (NDT), although it did in fact draw attention to the possibility of indirect or interactive effects of race on sentence outcome.

Wave III research (1970s-1980s) is characterized by the use of more sophisticated statistical techniques intended to adjust for "selection bias" and "omitted variable bias." Wave III research also explored the possibility of indirect effects of race on sentencing (e.g., race affects pretrial release status which in turn influences sentence) or interaction effects (e.g., the effect of race on sentencing varies depending on whether an individual has a prior record). Such research, for example, suggested that Blacks in some jurisdictions may be less likely to plead guilty which in turn affects the incarceration decision (Welch et al., 1985:73). Although Wave III research did not yield consistent findings, importantly it called the NDT into question. As Sampson & Lauritsen (1997:348) explain it suggested that "there is *some* discrimination, *some* of the time, in *some* places."

Wave IV research began in the 1980s and continues into the present. Wave IV may be distinguished from Wave III not necessarily by methodological advances but by the advent of structured sentencing. By enacting structured sentencing systems, discretion shifted from judges to decisionmakers earlier in the process, chiefly, the prosecutor. Studies of the impact of race on

prosecutorial decisionmaking became more prevalent. Wave IV research also became increasingly cognizant of the importance of macrosocial context (e.g., influence of urbanization or poverty) (Sampson & Lauritsen, 1997:349). For example, Chiricos & Crawford's (1995) review of 38 studies revealed that Black defendants were more likely to receive a sentence of incarceration in particular contexts. As the authors explain, "We have shown that black defendants are significantly more disadvantaged than whites at the point of incarceration in the south, in places where blacks comprise a larger percentage of the population and where unemployment is relatively high" (Chiricos & Crawford, 1995:300). Race did not influence sentence length in their study, however. Contextual research may be the key to understanding and explaining seemingly inconsistent or anomalous research findings (Peterson & Hagan, 1984:56).

In short, the preponderance of the evidence does not support the thesis that the sentencing decision is marred by a pattern of systemic racial disparity. Racial disparity in *imprisonment* appears to be largely explained by disproportional involvement of minorities in crime at the national level (although there appears to be substantial variation at the state level). Research findings at the individual level also seem to be sensitive to specific contexts, time periods, or locations (i.e., rural versus urban location, poverty level, population composition), such that findings from one jurisdiction or time period may not generalize to another. Wave III and Wave IV sentencing research certainly call the NDT into question. There is evidence to suggest that Black defendants are more likely to receive a sentence of incarceration than White defendants in certain contexts (Chiricos & Crawford, 1995:300; Spohn et al., 1981:86). Evidence also suggests that race may have an indirect effect on the incarceration decision.

2.2 Sentencing Guidelines & Racial Disparity in Sentencing.

Structured sentencing schemes were implemented in response to the growing disillusionment with indeterminate sentencing in the late 1970s and 1980s. Disillusionment with indeterminate sentencing sprang from a number of sources including, for example, the desire to limit discretion and demand accountability from public officials, the shift from utilitarian to retribuvist philosophies, growing skepticism regarding the efficacy of rehabilitation programs, and findings of racial disparity (Blumstein et al., 1983: 61-66). As Blumstein et al. (1983:61) report between 1975 and January 1982, "11 states abolished parole release for the majority of offenders, 17 states established administrative rules for release decisions (e.g., parole guidelines), more than 30 states passed mandatory minimum sentence laws, and, in almost every state, judges experimented with guidelines to structure their own sentencing decisions."

Voluntary sentencing guidelines were one of the forerunners of structured sentencing schemes (Tonry, 1988:276). As the name suggests, judges are not required by law to comply with voluntary sentencing guidelines and as a consequence defendants do not possess a right to be sentenced according to the guidelines. Generally instituted by judges, voluntary sentencing guidelines are by and large descriptive in nature. In other words, they are expected to serve as a model of past sentencing behavior (Blumstein et al., 1983:135). Presumptive sentencing guidelines, on the other hand, possess legal authority since they are mandated statutorily and are subject to appellate sentence review. Judges are expected to sentence according to the guidelines or provide an explanation for noncompliance. Presumptive sentencing guidelines are generally considered prescriptive in nature because they seek to institute new sentencing policies (Blumstein et al., 1983: 135).

Research on the effect of sentencing guidelines (particularly voluntary sentencing guidelines) on racial disparity is sparse. Several state sentencing commissions (Minnesota, Washington, and Oregon) examined the impact of presumptive sentencing guidelines on unwarranted disparity with regard to race and gender (Tonry, 1993:168-171) . By and large, the implementation of presumptive sentencing guidelines appeared to reduce although not eliminate sentencing disparity. Tonry (1993:168) summarizes the Minnesota sentencing commission findings as follows:

> " The Minnesota's commission's three-year evaluation concluded that racial differences in sentencing declined under guidelines; nonetheless, minority defendants were likelier than whites to be imprisoned when the presumptive sentence prescribed non-state imprisonment, minority defendants received longer sentences than similarly categorized whites, and men received longer prison sentences than similarly categorized women."

Similar findings emerged in Washington and Oregon. Despite a reduction in racial disparity in Washington, White defendants appeared to be more likely to benefit from the use of mitigating provisions (e.g., for first-time offenders). In Oregon, "whites were slightly less likely than minority defendants to receive upward dispositional departures, slightly more likely to receive downward dispositional departures, and much more likely to benefit from an 'optional probation' alternatives program" (Tonry, 1993:169).

Miethe & Moore's (1985:358) study of sentencing disparity before and after the implementation of Minnesota's guidelines revealed that although the direct effects of social variables (e.g., gender, marital status, race) on compliant sentences diminished subsequent to the implementation of the guidelines, such variables still influenced the sentence outcome indirectly through case processing characteristics. The effect of race on sentence outcome was mediated by prior record and the use of a weapon.

In another study of unwarranted sentencing disparity under Minnesota's presumptive sentencing guidelines, Stolzenberg & D'Allessio (1994) employed an interrupted time-series design to assess the presence of unwarranted disparity with regard to the incarceration decision (Yes/No) and sentence length decision between 1980 and 1989. Unwarranted disparity was defined as disparity in the sentence outcome that did not stem from legally mandated factors (thus it is not specific to race). The results of the study suggested that although the guidelines initially reduced disparity with regard to the incarceration decision (Yes/No), the reduction in disparity was not sustained over the long-term. The sentencing guidelines appeared to substantially reduce disparity in sentence length throughout the course of the study (Stolzenberg & D'Allessio, 1994:306).

Research assessing the impact of voluntary or descriptive sentencing guidelines on unwarranted disparity is less common (Tonry, 1988:279). What evidence is available suggests that voluntary sentencing guidelines did not appear to substantially reduce sentencing disparity. For example, an evaluation of voluntary sentencing guidelines within multiple jurisdictions in Maryland and Florida suggested that unwarranted sentencing disparity was generally not reduced (one of four jurisdictions in Maryland seemed to be an exception to the rule, however) (Tonry, 1988:280). Commentators speculate that it is the voluntary nature of the guidelines which seemed to limit their effectiveness (Tonry, 1988:282; Miethe & Moore, 1985:341).

In short, while sentencing disparity appears to have decreased with the implementation of presumptive sentencing guidelines, it has not been eliminated. Even under presumptive sentencing guidelines, White defendants appear to be more likely to benefit from sentencing alternatives.

3. *Methods*

3.1 Data.

In order to investigate the possibility of unwarranted sentencing disparity under Maryland's voluntary sentencing guidelines, the population of persons (N=80,608) convicted of a single offense in a Maryland Circuit Court between January, 1987 and September, 1996 were analyzed. The database was provided by the Maryland Administrative Office of the Courts to the University of Maryland Center for Applied Policy Studies. The data were extracted from courtroom worksheets which are routinely completed by court clerks at each circuit court. The accuracy of the database was verified using random samples drawn from the total database.

The database contains attributes of the offense and offender, as well as case-processing characteristics. Offender attributes include basic demographic characteristics such as sex, race/ethnicity, and age as well as an offender score summarizing an individual's prior record. Offense attributes include offense type and an offense seriousness score. Offenses are categorized into person, property, or drug offenses since a separate sentencing matrix is used for each crime category. Case processing characteristics include mode of disposition and Circuit Court. Mode of disposition consists of the following: (1) plea agreement; (2) plea, no agreement; (3) jury trial; and (4) court trial.

Variables specific to the Maryland sentencing guidelines include the offense score and the offender score. These variables are of particular importance to the study since prior research indicates that offense seriousness and prior record are the most influential factors in determining sentence outcomes (Blumstein et al., 1983:11). The *Offense* score provides a measure of the seriousness of the offense. The *Offender* score provides a summary measure of an individual's

prior record.

The database also contains the sentence outcome for each individual. Data describing the sentence outcomes included, for example, whether an individual received a sentence involving incarceration and the length of that sentence (e.g., incarceration time, suspended time, actual time). If an individual was not sentenced to incarceration, the length of the probation term and whether a fine was imposed were also available. Lastly, data regarding whether the sentencing judge complied with the sentencing guidelines were documented.

3.1.1. *Missing-Data Values.* Missing-data values did not pose a serious problem. Missing-data values were most prevalent among demographic variables. The percentage of missing-data values for each variable, however, did not exceed 3%. For example, 2.3% of the sample were missing age, 2.0% were missing race, 0.7% were missing sex. The most commonly missing case processing variable was disposition type (1.2%). As a consequence, missing data-values were assumed to be "missing at random" and cases with missing data-values were excluded from the analyses. Missing data-values are considered to missing at random if the probability that they are missing is independent of the true value of the incompletely observed variable (Little, 1992:1229).

3.1.2. *Sample Characteristics.* Roughly, 81,000 individuals had been convicted of a single offense between January 1, 1987 and September 30, 1996 in one of eight Maryland circuit courts. Descriptive statistics are shown in Table 1. The percentage of persons convicted of an offense each year was similar over the course of the evaluation although a slightly smaller percentage of the sample had been sentenced during calendar year 1986 (8%) or 1987 (9%), as compared to calendar years 1988 through 1995 (11%). Over half of the defendants had been

processed in three of the eight Maryland Circuits: (1) Circuit three (13%); (2) Circuit seven (23%); and (3) Circuit eight (33%).[4]

Convicted defendants were 29 years of age on average. Roughly 87% were male. Sixty-five (65%) of the defendants were Black, 34% were White, 1.3% were Hispanic, and 0.5% had been classified as "other."

The most common mode of disposition was a plea agreement (74.3%) followed by a plea without agreement (16.9%), and either court or jury trials (8.9%). Just over half of the sample had been convicted of a drug offense (52.1%). Conviction of a violent offense was second most common (28%) followed by a property offense (20%).

Approximately, 69% of the sample received a sentence involving a term of incarceration. The average length of incarceration (actual sentence) was 34 months (median of 12 months). Approximately, 55% of the sentences imposed were consistent with the Maryland sentencing guidelines. Among sentences that were not consistent with the guidelines, 38% fell under the guideline recommendation and 8% exceeded the guideline recommendation.

3.2 Analytic Strategy

A sentence outcome consists of two separate decisions: (1) the decision whether to incarcerate; and (2) the decision as to the length of incarceration. As noted in Section 2., prior research suggests that the factors that influence each decision are not necessarily synonymous.

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[4]Circuit three consists of the following counties: Baltimore county and Harford counties. Circuit seven consists of Calvert county, Charles county, Prince George's county, and St. Mary's county. Circuit eight consists solely of Baltimore city.

Therefore, each decision will be analyzed separately here.

Logistic regression models will be estimated to examine the effect of legal and extra-legal factors on the incarceration decision (Yes/No). Logistic regression is commonly used to analyze the relationship between a set of explanatory variables and a binary outcome. Logistic regression is based on the cumulative logistic probability function which relates probabilities of the dependent variable to the explanatory variables (Hanushek & Jackson, 1977:187). The logistic transformation of the dependent variable represents the logarithm of the odds of an event occurring (Pindyck & Rubinfeld, 1991:259). Ordinary least squares (OLS) regression will be used to assess the influence of legal and extra-legal factors on sentence length (among individuals who have been sentenced to a term of incarceration). Since each person included in the model has a non-zero sentence length, the dependent variable will be truncated at zero.

Regression models will be estimated first using the total sample. Since the Maryland sentencing guidelines utilize separate matrices for each crime type and the offense seriousness measure (a primary determinant of sentence outcome) varies slightly across crime categories, a crime-specific approach will also be adopted whereby separate models will be estimated for person, drug, and property offenses. The crime-specific approach will allow us to assess whether there is an interaction between crime type and race. That is, whether sentencing disparity with regard to race is more or less likely within certain categories of crime.

Lastly, additional models will be estimated in order to determine whether the effect of race differs depending on whether the imposed sentence was *consistent* or *inconsistent* with the sentencing guidelines. Models will be estimated to assess the effect of race on both the incarceration decision and sentence length among only those sentences that were *consistent* with

the sentencing guidelines. Similarly, models will be estimated to examine the effect of race among only those sentences that were *inconsistent* with the sentencing guidelines.

The regression analyses rest on the assumption that the regression model has been correctly specified -- that is, that all relevant variables associated with the sentencing decision are included in the model. It also rests on the assumption that key constructs such as offense seriousness have been adequately measured. To the extent that our models exclude variables that affect the sentencing outcome or provide only partial measures of such constructs, they may be vulnerable to omitted variable bias or measurement error. If the omitted variables (or inadequately measured variables) are associated with both race and the sentencing outcome, the estimate of the effect of race on sentencing may be biased. As a consequence, the results of the analyses must be interpreted with caution.

3.3 Measures

3.3.1 Dependent Variables. The first dependent variable of interest will be whether an individual received a sentence that involved a term of incarceration independent of the length of sentence. A binary indicator will be created whereby an individual receives a code of 1 if they are sentenced to a term of incarceration and a 0 otherwise.

The second dependent variable will consist of the length of incarceration measured in months contingent on being sentenced to prison. Therefore only individuals who receive a term of incarceration will be included in the analysis. Length of incarceration represents the actual time an individual is expected to serve (i.e., total sentence length less suspended time).

3.3.2 Independent Variables. The independent or explanatory variables included in the

regression models are shown below. Variable attributes are illustrated in Table 2.

- Age
- Race
- Sex
- Type of Offense
- Mode of Disposition
- Offense Score
- Offender Score
- Circuit

Explanatory variables have been constructed as follows: (1) age is measured in years as a continuous variable; (2) race is measured as a set of binary indicators (coded 1 or 0) for each race/ethnicity (Black, White, Hispanic, and "Other"); (3) sex is represented by a binary measure (Male=1; Female=0); (4) disposition type consists of binary measures coded 1 or 0 for each disposition type (plea agreement, plea without agreement, court trial, and jury trial); and (5) circuit consists of a set of binary measures coded 1 or 0 to represent each circuit.

The measure of offense seriousness varies across crime categories since it was specifically created for use with the person offense matrix of the sentencing guidelines. For person offenses, it combines the seriousness category of the offense (which is statutorily determined) with three indicators of the nature of the offense (i.e., whether the victim was injured, whether a weapon was used, and whether the victim was especially vulnerable). The Offense score ranges from 1 to 15 (15 is the most serious offense score). Since information regarding victim injury, etc. is not generalizable to drug and property offenses, the seriousness category of each offense was used as a measure of offense seriousness. The seriousness category is one component of the offense score for person offenses. Thus, it is a comparable, though not

identical measure.[5]

The Offender score provides a summary measure of an individual's prior record. It consists of the following factors: (1) whether the individual was involved with the criminal justice system at the time of the instant offense (0=no/1=yes); (2) juvenile record (0=not more than one finding of delinquency, 1=two or more findings without commitment or one commitment, 2=two or more commitments); (3) prior adult record (0=none, 1=minor, 2=moderate, 3=major); (4) prior adult parole/probation violations (0=no, 1=yes). The Offender score ranges from 0 to 9 with a score of 9 representing the most serious Offender score.

4. Results

4.1 The Incarceration Decision

Logistic regression models were estimated to examine the effect of legal and extra-legal factors on the incarceration decision using the SAS System (SAS, 1990). The results of analyses using the total sample are shown in Table 3.

Adjusting for the influence of legally relevant factors race exerted a positive and statistically significant effect on the incarceration decision. Both Black and Hispanic offenders were more likely to receive a sentence of incarceration than White offenders. The predicted probability of incarceration is shown in Figure 1. The predicted probability of incarceration for White defendants with mean/median values on all other explanatory variables included in the model was π=0.56. In comparison, the predicted probability of incarceration for Black

[5]Note that for drug and property offenses, the seriousness category was converted to a point score identical to the point score conversion used for person offenses.

defendants was π=.65 and the predicted probability of incarceration for Hispanic defendants was π=0.77. Figure 2 illustrates the predicted probability of incarceration when Black, Hispanic, and individuals classified as "Other race" are combined into one category. The predicted probability of incarceration for White defendants is π=0.56, whereas the predicted probability of incarceration for Nonwhite defendants is π=0.65. Due to the relatively small sample size of Hispanic and "other" individuals, the predicted probabilities mirror the predicted probabilities of White and Black offenders when each race/ethnicity is modeled separately.

As expected, both the Offense score and Offender score exerted a strong, positive effect on the incarceration decision. The more serious the offense or the more serious an individual's prior record, the greater the probability of an incarceration sentence. Figures 3 and 4 illustrate the predicted probability of incarceration for each level of the Offender score (0-9) and each level of the Offense score (1-15), with all other explanatory variables held constant at their mean or median value.[6,7] As illustrated in Figure 3, the predicted probability of incarceration for an individual with an Offender score of zero equals π=0.5. As the Offender score approaches 9, the predicted probability of incarceration is virtually π=1.0. Similarly, the predicted probability of incarceration for an individual with an Offense score of one and mean or median value on all other variables included in the model is less than π=0.5. The predicted probability of individuals

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[6]Note that due to the skewed distribution of the Offense score and Offender score, the median value was used instead of the mean.

[7]The logistic regression function was used to calculate the predicted probability of incarceration (King, 1989:104-105). The predicted probability of incarceration refers to a hypothetical individual characterized by average levels of all explanatory variables in the model except Offense score or Offender score (which were allowed to vary over their range).

with an Offense score of 6 or more exceeds π=0.8 (see Figure 4). Examination of other variables included in the model suggested the following: (1) males were significantly more likely to be incarcerated than females; (2) older individuals were less likely to be incarcerated than younger individuals; and (3) individuals who were convicted subsequent to a plea agreement, or plea without agreement, or a court trial were significantly less likely to be incarcerated than individuals who were convicted by means of a jury trial.

4.1.1. *Crime Category-Specific Approach*. In addition to the total analysis, the effect of race on the incarceration decision was examined within each crime category. The results are shown in Tables 4-6. By and large, the effect of race on incarceration did not vary dramatically among crime categories. The magnitude of the effect did appear to be stronger among individuals convicted of drug offenses.[8] The only other notable difference among the models was related to disposition type. Disposition type did not appear to influence the incarceration decision among property offenders.

4.2 Sentence Length

OLS regression models were estimated to assess the influence of race on sentence length. Regression estimates using the total sample are shown in Table 7. Overall, the results of the analysis were similar to the logistic model predicting the incarceration decision. Notably, however, race did not exert a statistically significant effect on sentence length.

Offense score and Offender score exerted a positive and statistically significant on

[8]Note, however, that race-by-crime type interaction effects did not contribute significantly to the total model.

sentence length. Males received longer sentences than females. Here, however, older individuals received longer sentences than younger individuals. Individuals who were adjudicated by means of a plea agreement, plea without agreement, or court trial received shorter sentences than individuals who were adjudicated by means of a jury trial.

4.2.1. *Crime Category-Specific Approach*. The OLS regression models were estimated separately within each crime category. The results of the analyses are shown in Tables 8-10. Examination of the effect of race on sentence length within each crime category revealed that race exerted a significant effect among persons convicted of *drug* offenses only. Race did not influence sentence length among persons convicted of person or property offenses.

Variables that exerted statistically significant effects on sentence length across all three crime categories included the Offense score, Offender score, and disposition type. While males were more likely than females to receive longer sentences in person and drug offenses, male and female property offenders appeared to receive sentences of equal lengths. Lastly, while older individuals were more likely to receive longer sentences among person and property offenses, an individual's age did not influence sentence length if convicted of a drug offense.

4.3 Racial Disparity Among Consistent and Inconsistent Sentences

The total sample was divided into two subsamples: individuals who received sentences that were consistent with the sentencing guidelines and individuals who received sentences that were inconsistent with the sentencing guidelines (either above or below the suggested range). Fifty-five percent of the total sample received sentences that were consistent with the sentencing guidelines. Logistic and OLS regression equations were then estimated to assess the effect of

race on the incarceration decision (Y/N) and sentence length within each subsample. If adherence to the sentencing guidelines reduces sentencing disparity by race, the effect of race in this subsample would be expected to be negligible. Due to the relatively small sample size of Hispanic and "other" defendants and to the inclusion of interaction effects, race/ethnicity was collapsed into White versus Nonwhite (Black, Hispanic, and "Other").

4.3.1. *Consistent Subsample*. Logistic regression equation were estimated to assess the impact of race/ethnicity on the incarceration decision among individuals who received sentences that were consistent with the sentencing guidelines. The full set of explanatory variables were included in the model in addition to race-by-crime-category interaction effects. Race-by-crime interaction effects were added because prior analyses suggested that the effect of race may vary by crime type.

The parameter estimates are shown in Table 11. The results reveal that race exerted a significant effect on the incarceration decision even among *consistent* sentences. The interaction effect between race and crime category (particularly the drug crime category) also exerted a strong statistically significant effect on the incarceration decision, suggesting that the effect of race on the incarceration decision varied by crime category.

In order to further explore the suggestion of a race effect and a race-by-crime type interaction effect, the percentage of White and Nonwhite defendants who fell within each cell of the *drug* offense matrix and were incarcerated was examined (see Tables 12 and 13). Table 12 contains the percentage of White individuals who fell within each cell of the drug offense sentencing matrix and received a sentence of incarceration. Table 13 contains the percentage of Nonwhite individuals who fell within each cell of the drug offense sentencing matrix and

received a sentence of incarceration. Comparison of the percentage of White and Nonwhite individuals within each cell of the drug offense sentencing matrix revealed that when judges were given the option to impose either probation or a short term of incarceration, Nonwhite offenders were more likely to receive a sentence involving incarceration than White offenders. For example, 36% of White offenders who were convicted of a drug offense with a seriousness category of four who had an Offender score of zero received a term of incarceration, whereas 49% of Nonwhite offenders who fell within the same cell of the sentencing matrix received a sentence of incarceration. Thus, race appeared to influence the incarceration decision even among sentences that were consistent with the guidelines. The magnitude of the effect was particularly strong for drug offenses. Notably, among sentences that were consistent with the guidelines, mode of disposition did not exert a significant influence on the incarceration decision.

With regard to sentence length among consistent cases, race appeared to have a slight direct effect on sentence length (see Table 14). The interaction effect between race and drug crime category also exerted a statistically significant effect on sentence length. Examination of the mean and median sentence length within each cell of the *drug* offense matrix for White and Nonwhite defendants did not reveal substantively large differences, however.

4.3.2 *Inconsistent Subsample*. Logistic regression models were also estimated to examine the impact of race among the subsample of individuals who received sentences that were *inconsistent* with the sentencing guidelines (see Table 15). Again, the direct effect of race on the incarceration decision was statistically significant. Inclusion of race-by-crime category interaction effects failed to reveal a significant interaction between race and drug crime category. The effect of race on sentence length among sentences that were not *inconsistent* with the

sentencing guidelines was marginal (see Table 16). The interaction effect between race and drug crime category was not statistically significant among sentences that were inconsistent with the guidelines.

4.4 Summary

In summary, examination of the effect of race on the incarceration decision using logistic regression models suggested that race affects the probability of incarceration in a nontrivial manner adjusting for the effect of legal characteristics. The predicted probability of incarceration for White offenders holding all other explanatory variables constant at their mean/median is π=0.56, whereas the predicted probability of incarceration for Nonwhite offenders is π=0.65. The influence of race on the incarceration decision does not appear to vary by crime type.

OLS regression models were used to examine whether race influences sentence length contingent upon incarceration. Using the total sample, race did not appear to influence sentence length adjusting for the effect of legally relevant variables (e.g., offense score, offender score, crime type). However, the crime category-specific approach appeared to uncover an interaction between crime category and race. Specifically, race appeared to influence the sentence length of individuals convicted of drug offenses, but not the sentence length of individuals convicted of person or property offenses.

The total sample of individuals was then subdivided into those individuals who received sentences that were consistent with the sentencing guidelines and those individuals who received sentences that were inconsistent with the sentencing guidelines. The results suggested that race influenced the incarceration decision among consistent *and* inconsistent sentences. A significant

interaction effect between race and drug crime category further revealed that the magnitude of the effect of race on the sentencing decision was greater among individuals convicted of drug offenses and sentenced in compliance with the sentencing guidelines. Under this scenario, Nonwhite offenders convicted of drug offenses were substantially more likely to receive short terms of incarceration (rather than probation) than White offenders. The direct effect of race on sentence length was small among both consistent and inconsistent sentences.

5. Conclusion

The results of the present study are largely consistent with prior research. Offense seriousness and prior record were the most powerful predictors of sentence outcome. Race was found to influence the incarceration decision net of legal factors in the *total* sample, but not sentence length. Notably, the effect of race on sentence length varied by crime category. Black and Hispanic defendants convicted of drug offenses were more likely to receive longer sentences than White defendants. Furthermore, race influenced the incarceration decision regardless of whether the sentence was consistent or inconsistent with the sentencing guidelines. The magnitude of the effect of race on the incarceration decision was particularly strong among individuals convicted of drug offenses and sentenced in *compliance* with the sentencing guidelines.

These findings are also consistent with the emerging research on the effects of sentencing guidelines. While such systems seem to reduce racial disparity in sentencing, they do not eliminate it. When structured sentencing systems allow a choice between prison and an alternative to prison, Black defendants are more likely to receive a prison sentence. In order to

eliminate this form of disparity, sentencing patterns will have to be constantly monitored. In addition, it may be necessary to minimize the opportunity for judges to make such choices.

Table 1. Descriptive Statistics of Individuals Sentenced Between January 1, 1987 and September 30, 1996 for Single Count Offenses.

Variable	Total Sample N=80,608
Age (X, SD)	28.66 (8.74)
Median	26.75
Male (N, % Yes)	69,727 (87.1)
Race (N, % Yes)	
Black	51,050 (64.6)
White	26,590 (33.6)
Hispanic	1,020 (1.3)
Other	376 (0.5)
Mode of Disposition (N, % Yes)	
Plea Agreement	59,157 (74.3)
Plea, No Agreement	13,423 (16.9)
Court Trial	3,505 (4.4)
Jury Trial	3,546 (4.5)
Crime Type (N, % Yes)	
Violent	22,183 (27.5)
Drug	41,970 (52.1)
Property	16,454 (20.4)
Circuit (N, % Yes)	
One	4,529 (5.6)
Two	2,852 (3.5)
Three	10,251 (12.7)
Four	2,933 (3.6)
Five	7,900 (9.8)
Six	6,824 (8.5)
Seven	18,518 (23.0)
Eight	26,801 (33.2)
Offense Score (X, SD)	3.588 (2.197)
Median	3
Offender Score (X, SD)	1.986 (2.162)
Median	1
Incarcerated (N, % Yes)	55,766 (69.2)
Sentence Length (X, SD)	34.44 (62.17)
(In Months) Median	12.01

Table 2. Research Variables and Variable Attributes.	
SEX	1= Male 0= Female
RACE	1=Black; 0=Other 1=White; 0=Other 1=Hispanic; 0=Other 1=Other Race; 0=Other
AGE	Age in Years
MODE OF DISPOSITION	1=Plea; 0=Other 1=Plea w/o Agreement; 0=Other 1=Court trial; 0=Other 1=Jury trial; 0=Other
CIRCUIT	Circuit: 1= Dorchester, Somerset, Wicomico, Worcester Counties 2= Caroline, Cecil, Kent, Queen Anne's, Talbot Counties 3= Baltimore and Harford Counties 4= Allegany, Garrett, Washington Counties 5= Anne Arundel, Carroll, Howard Counties 6= Montgomery, Frederick Counties 7= Calvert, Charles, Prince George's, St. Mary's Counties 8= Baltimore City
CRIME CATEGORY	1=Person; 0=Other 1=Drug; 0=Other 1=Property; 0=Other
OFFENSE SERIOUSNESS CATEGORY (varies by crime type)	Person Offense : Seriousness Category (1, 2, 3, 4, 5, 6, 7)* + Victim Injury: 0= No injury 1= Injury, Non-permanent 2= Permanent Injury or Death + Weapon Usage 0= No weapon 1= Weapon Other than Firearm 2= Firearm or Explosive + Special Vulnerability of Victim 0= No 1= Yes Drug Offense: Seriousness Category (2, 3, 4, 5, 7)* Property Offense: Seriousness Category (2, 3, 4, 5, 6, 7)* * Seriousness category is converted to a point score ranging from 1 to 10. The higher the point score, the more more serious the offense.

Table 2. Research Variables and Variable Attributes.

OFFENDER SCORE	Relationship to CJ System at time of offense:		
	+	0=	None or Pending Cases
		1=	Court or Other Criminal Justice Supervision
	Juvenile Delinquency		
		0=	Not More Than One Finding of Delinquency or Over Age 25
	+	1=	Two or More Findings, None or One Commitment
		2=	Two or More Commitments
	Adult Record		
		0=	None
		1=	Minor
	+	3=	Moderate
		5=	Major
	Prior Adult Parole/Probation Violations		
		0=	No
		1=	Yes
SENTENCE INVOLVING INCARCERATION	Incarceration	0=	No
		1=	Yes
SENTENCE LENGTH	Sentence Length in Months		
COMPLIANCE	Compliance with Sentencing Guidelines:	1=	Within guidelines
		2=	Under guidelines
		3=	Above guidelines

Table 3. Logistic Regression Estimates Predicting the Incarceration Decision Between January 1987 and September 1996 Using Single Count Data (N=75,959).

Variable	b	s.e.	X^2
Constant	-1.788	0.076	--
Male	0.659	0.026	664.81***
Age	-0.012	0.001	127.90 ***
Black	0.374	0.021	325.80***
Hispanic	0.958	0.086	123.91***
Other Race	0.101	0.124	0.67
Property Offense	0.218	0.030	53.87***
Drug Offense	-0.071	0.023	10.08**
Plea Agreement	-0.246	0.053	21.58***
Plea, No Agreement	-0.342	0.056	37.21***
Court Trial	-0.243	0.068	12.83**
Offense Score	0.330	0.006	3348.26***
Offender Score	0.493	0.006	7061.79***
Circuit 1	1.739	0.048	1337.85***
Circuit 2	1.527	0.056	734.16***
Circuit 3	-0.080	0.030	7.39**
Circuit 4	1.371	0.055	625.98***
Circuit 5	-0.215	0.034	40.21***
Circuit 6	0.342	0.035	95.15***
Circuit 7	1.543	0.028	3020.38***
Log-likelihood	-36260.56		

* $p < .05$ ** $p < .01$ *** $p < .0001$

Table 4. Logistic Regression Estimates Predicting the Incarceration Decision Between January 1987 and September 1996 Among Individuals Convicted of a Person Offense Using Single Count Data (N=20,780).

Variable	b	s.e.	X^2
Constant	-1.001	0.135	--
Male	0.846	0.059	208.49***
Age	-0.025	0.002	195.85 ***
Black	0.242	0.040	36.03***
Hispanic	0.454	0.143	10.07**
Other Race	0.155	0.211	0.538
Plea Agreement	-0.497	0.092	29.01***
Plea, No Agreement	-0.498	0.101	24.51***
Court Trial	-0.439	0.124	12.60**
Offense Score	0.319	0.009	1282.08***
Offender Score	0.520	0.012	1821.50***
Circuit 1	1.279	0.094	184.96***
Circuit 2	0.751	0.111	46.04***
Circuit 3	-0.457	0.055	67.92***
Circuit 4	1.028	0.108	91.22***
Circuit 5	-0.146	0.069	4.44*
Circuit 6	-0.035	0.070	0.26
Circuit 7	0.944	0.054	303.50***
Log-likelihood	-9241.03		

* $p < .05$ ** $p < .01$ *** $p < .0001$

Table 5. Logistic Regression Estimates Predicting the Incarceration Decision Between January 1987 and September 1996 Among Individuals Convicted of a Drug Offense Using Single Count Data (N=39,761).

Variable	b	s.e.	X^2
Constant	-2.221	0.110	--
Male	0.569	0.034	283.08***
Age	-0.008	0.002	25.72***
Black	0.456	0.030	224.31***
Hispanic	1.380	0.131	110.88***
Other Race	0.032	0.213	0.02
Plea Agreement	-0.254	0.083	9.26**
Plea, No Agreement	-0.383	0.087	19.42***
Court Trial	-0.085	0.105	0.65
Offense Score	0.363	0.008	1914.12***
Offender Score	0.466	0.008	3135.40***
Circuit 1	2.248	0.072	978.82***
Circuit 2	2.229	0.087	649.73***
Circuit 3	0.161	0.044	13.69**
Circuit 4	1.921	0.083	534.16***
Circuit 5	-0.149	0.048	9.76**
Circuit 6	0.664	0.049	185.08***
Circuit 7	1.962	0.040	2382.47***
Log-likelihood	-18935.12		

* $p < .05$ ** $p < .01$ *** $p < .0001$

Table 6. Logistic Regression Estimates Predicting the Incarceration Decision Between January 1987 and September 1996 Among Individuals Convicted of a Property Offense Using Single Count Data (N=15,418).

Variable	b	s.e.	X^2
Constant	-2.003	0.154	--
Male	0.818	0.056	217.22***
Age	0.002	0.002	0.63
Black	0.324	0.042	60.15***
Hispanic	0.841	0.215	15.31***
Other Race	0.008	0.220	0.001
Plea Agreement	0.045	0.106	0.18
Plea, No Agreement	-0.023	0.113	0.04
Court Trial	-0.187	0.136	1.89
Offense Score	0.308	0.022	191.72***
Offender Score	0.507	0.012	1934.62***
Circuit 1	1.159	0.093	154.80***
Circuit 2	0.916	0.108	72.43***
Circuit 3	-0.395	0.064	37.63***
Circuit 4	0.598	0.107	31.14***
Circuit 5	-0.582	0.073	63.32***
Circuit 6	-0.112	0.078	2.05
Circuit 7	1.173	0.064	339.40***
Log-likelihood	-7699.15		

* p <.05 ** p<.01 ***p <.0001

Table 7. Ordinary Least Squares Regression Estimates Predicting Sentence Length in Months Between January 1987 and September 1996 Using Single Count Data (N=52,627).

Variable	b	s.e.	*t*
Constant	-25.993	1.687	-15.41***
Male	3.983	0.754	5.28***
Age	0.117	0.026	4.50***
Black	0.315	0.501	0.63
Hispanic	0.771	1.838	0.42
Other Race	6.313	3.377	1.87
Property Offense	17.677	0.725	24.37***
Drug Offense	-11.290	0.505	-22.35***
Plea Agreement	-39.288	0.962	-40.86 ***
Plea, No Agreement	-35.407	1.070	-33.09***
Court Trial	-33.893	1.387	-24.43***
Offense Score	16.104	0.112	144.29***
Offender Score	8.282	0.100	82.92***
Circuit 1	24.525	0.909	26.99***
Circuit 2	34.819	1.155	30.15***
Circuit 3	9.261	0.783	11.82***
Circuit 4	30.650	1.189	25.78***
Circuit 5	3.043	0.905	3.36**
Circuit 6	4.824	0.848	5.69***
Circuit 7	11.808	0.563	20.97***
R^2=0.396			

* p <.05 ** p<.01 *** p <.0001

Table 8. Ordinary Least Squares Regression Estimates Predicting Sentence Length in Months Between January 1987 and September 1996 Among Individuals Convicted of Person Offenses Using Single Count Data (N=15,112).

Variable	b	s.e.	*t*
Constant	-53.587	4.351	-12.32***
Male	11.694	2.539	4.61***
Age	0.261	0.065	3.98***
Black	1.229	1.352	0.91
Hispanic	-4.664	5.230	-0.89
Other Race	6.413	7.992	0.80
Plea Agreement	-53.276	2.282	-23.35 ***
Plea, No Agreement	-46.601	2.656	-17.54***
Court Trial	-47.666	3.549	-13.43***
Offense Score	21.570	0.213	101.41***
Offender Score	9.417	0.271	34.73***
Circuit 1	28.131	2.592	10.85***
Circuit 2	40.542	3.562	11.38***
Circuit 3	7.257	2.026	3.58**
Circuit 4	26.139	3.197	8.18***
Circuit 5	-2.306	2.365	-0.97
Circuit 6	0.944	2.453	0.38
Circuit 7	8.500	1.585	5.36***
R^2=0.455			

* p <.05 ** p<.01 *** p <.0001

Table 9. Ordinary Least Squares Regression Estimates Predicting Sentence Length in Months Between January 1987 and September 1996 Among Individuals Convicted of Drug Offenses Using Single Count Data (N=27,589).

Variable	b	s.e.	*t*
Constant	-4.574	1.435	-3.19**
Male	3.352	0.584	5.73***
Age	-0.037	0.023	-1.60
Black	4.082	0.458	8.92***
Hispanic	9.807	1.473	6.66***
Other Race	15.541	3.445	4.51***
Plea Agreement	-29.345	0.890	-32.99***
Plea, No Agreement	-27.833	0.973	-28.61***
Court Trial	-23.855	1.238	-19.26***
Offense Score	7.106	0.120	59.04***
Offender Score	7.983	0.087	91.89***
Circuit 1	18.623	0.770	24.19***
Circuit 2	28.970	0.958	30.25***
Circuit 3	7.535	0.730	10.32***
Circuit 4	29.906	1.034	28.92***
Circuit 5	0.380	0.824	0.46
Circuit 6	3.500	0.699	5.00***
Circuit 7	8.578	0.463	18.52***
R^2=0.355			

* p <.05 ** p<.01 *** p <.0001

Table 10. Ordinary Least Squares Regression Estimates Predicting Sentence Length in Months Between January 1987 and September 1996 Among Individuals Convicted of Property Offenses Using Single Count Data (N=9,926).

Variable	b	s.e.	*t*
Constant	-3.423	2.452	-1.40
Sex	0.347	1.143	0.30
Age	0.161	0.039	4.12***
Black	-0.216	0.663	-0.33
Hispanic	1.099	3.166	0.35
Other Race	-0.025	4.383	-0.01
Plea Agreement	-18.279	1.506	-12.14 ***
Plea, No Agreement	-15.518	1.640	-9.46***
Court Trial	-13.744	2.084	-6.59***
Offense Score	6.328	0.318	19.93***
Offender Score	7.488	0.144	52.10***
Circuit 1	13.710	1.321	10.38***
Circuit 2	13.734	1.619	8.48***
Circuit 3	12.905	1.095	11.79***
Circuit 4	14.968	1.741	8.60***
Circuit 5	0.228	1.275	0.18
Circuit 6	1.406	1.292	1.09
Circuit 7	7.158	0.914	7.83***
R^2=0.285			

* p <.05 ** p<.01 *** p <.0001

Table 11. Logistic Regression Estimates Predicting the Incarceration Decision Between January 1987 and September 1996 Using Single Count Data Among Sentences *Consistent* with the Sentencing Guidelines (N=41,610).

Variable	b	s.e.	X^2
Constant	-4.661	0.137	--
Male	0.558	0.044	162.75***
Age	-0.011	0.002	38.33***
Nonwhite	0.292	0.061	23.32***
Property Offense	1.210	0.067	331.25***
Drug Offense	0.276	0.060	21.26***
Nonwhite*Property	0.071	0.084	0.72
Nonwhite*Drug	0.871	0.079	122.59***
Plea Agreement	0.035	0.086	0.16
Plea, No Agreement	-0.038	0.092	0.17
Court Trial	-0.079	0.113	0.49
Offense Score	1.145	0.015	5577.55***
Offender Score	1.469	0.023	4162.15***
Circuit 1	1.449	0.072	408.81***
Circuit 2	1.195	0.087	186.78***
Circuit 3	-0.486	0.055	77.05***
Circuit 4	0.749	0.088	72.02***
Circuit 5	-0.336	0.062	29.45***
Circuit 6	0.015	0.063	0.06
Circuit 7	1.628	0.050	1062.80***
Log-likelihood	-12159.697		

* p <.05 ** p<.01 ***p <.0001

Table 12. Comparison of Incarceration Decision (Y/N) Among *White* Defendants Convicted of Drug Offenses and Sentenced in Compliance with the Sentencing Guidelines.

SERIOUSNESS CATEGORY	OFFENDER SCORE							
	0	1	2	3	4	5	6	7+
2	n=9* n=9** 100% 1Y-4Y***	n=3 n=3 100% 2Y-5Y	n=1 n=1 100% 3Y-6Y	n=1 n=1 100% 4Y-7Y	---- 5Y-8Y	---- 6Y-10Y	---- 8Y-15Y	n=1 n=1 100% 15Y-25Y
3	n=589 n=585 99.3% 6M-3Y	n=403 n=400 99.3 1Y-3Y	n=177 n=177 100% 18M-4Y	n=128 n=128 100% 3Y-7Y	n=135 n=135 100% 4Y-8Y	n=98 n=98 100% 5Y-10Y	n=69 n=69 100% 7Y-14Y	n=31 n=31 100% 12Y-20Y
4	n=1,379 n=500 36.3% P-12M	n=551 n=290 52.6% P-18M	n=103 n=103 100% 6M-18M	n=74 n=74 100% 1Y-2Y	n=38 n=38 100% 1.5Y-2.5Y	n=17 n=17 100% 2Y-3Y	n=20 n=20 100% 3Y-4Y	n=10 n=10 100% 3.5Y-5Y
5	n=766 n=181 23.6% P-6M	n=463 n=193 41.7% P-12M	n=81 n=81 100% 3M-12M	n=79 n=79 100% 6M-18M	n=80 n=80 100% 1Y-2Y	n=40 n=40 100% 1.5-2.5Y	n=27 n=27 100% 2Y-3Y	n=44 n=44 100% 3Y-4Y
7	n=599 n=2 0.3% P	n=152 n=0 0% P	n=59 n=1 1.7% P	n=46 n=15 32.6% P-1M	n=44 n=17 38.6% P-3M	n=15 n=8 53.3% P-6M	n=7 n=7 100% 3M-6M	n=9 n=9 100% 6M-12M

* The first n equals the total number of individuals who fell within a particular cell.

** The second n represents the number of individuals who received a sentence involving incarceration, followed by the percentage of the total.

*** Denotes the sentencing guidelines for each cell where P=Probation, M=Months, and Y=Years.

Table 13. Comparison of Incarceration Decision (Y/N) Among *Nonwhite* Defendants Convicted of Drug Offenses and Sentenced in Compliance with the Sentencing Guidelines.

SERIOUSNESS CATEGORY	OFFENDER SCORE							
	0	1	2	3	4	5	6	7+
2	n=81* n=80** 98.8% 1Y-4Y***	n=16 n=16 100% 2Y-5Y	n=5 n=5 100% 3Y-6Y	n=6 n=6 100% 4Y-7Y	n=4 n=4 100% 5Y-8Y	n=4 n=4 100% 6Y-10Y	n=4 n=4 100% 8Y-15Y	n=1 n=1 100% 15-25Y
3	n=3,615 n=3,609 99.8% 6M-3Y	n=1,729 n=1,729 100% 1Y-3Y	n=978 n=978 100% 18M-4Y	n=671 n=671 100% 3Y-7Y	n=804 n=804 100% 4Y-8Y	n=506 n=506 100% 5Y-10Y	n=342 n=342 100% 7Y-14Y	n=172 n=172 100% 12-20Y
4	n=801 n=389 48.6% P-12M	n=402 n=253 62.9% P-18M	n=86 n=86 100% 6M-18M	n=70 n=70 100% 1Y-2Y	n=68 n=68 100% 1.5-2.5Y	n=38 n=38 100% 2Y-3Y	n=32 n=32 100% 3Y-4Y	n=26 n=26 100% 3.5Y-5Y
5	n=1,494 n=590 39.5% P-6M	n=769 n=428 55.7% P-12M	n=212 n=212 100% 3M-12M	n=164 n=164 100% 6M-18M	n=185 n=185 100% 1Y-2Y	n=87 n=87 100% 1.5-2.5Y	n=67 n=67 100% 2Y-3Y	n=86 n=86 100% 3Y-4Y
7	n=271 n=0 0% P	n=60 n=0 0% P	n=27 n=0 0% P	n=26 n=10 38.5% P-1M	n=25 n=13 52.0% P-3M	n=13 n=7 53.8% P-6M	n=10 n=8 80% 3M-6M	n=3 n=3 100% 6M-12M

* The first n equals the total number of individuals who fell within a particular cell.

** The second n represents the number of individuals who received a sentence involving incarceration, followed by the percentage of the total.

*** Denotes the sentencing guidelines for each cell where P=Probation, M=Months, and Y=Years.

Table 14. Ordinary Least Squares Regression Estimates Predicting Sentence Length in Months Between January 1987 and September 1996 Among Sentences *Consistent* with the Sentencing Guidelines Using Single Count Data (N=29,153).

Variable	b	s.e.	*t*
Constant	-55.553	2.051	-27.09***
Sex	-1.672	0.882	-1.89
Age	0.165	0.031	5.39***
Nonwhite	1.972	0.999	1.97*
Property	21.233	1.214	17.49***
Drug	-7.955	1.096	-7.26***
Nonwhite*Property	-1.607	1.467	-1.10
Nonwhite*Drug	-7.981	1.283	-6.22***
Plea Agreement	-24.195	1.079	-22.42 ***
Plea, No Agreement	-21.925	1.211	-18.11***
Court Trial	-22.512	1.579	-14.25***
Offense Score	21.000	0.135	155.89***
Offender Score	12.913	0.124	104.49***
Circuit 1	13.537	0.995	13.61***
Circuit 2	20.896	1.393	15.01***
Circuit 3	3.751	0.914	4.10***
Circuit 4	13.697	1.464	9.36***
Circuit 5	5.604	1.090	5.14***
Circuit 6	5.737	1.021	5.62***
Circuit 7	10.390	0.650	15.98***
R^2=0.588			

* p <.05 ** p<.01 *** p <.0001

Table 15. Logistic Regression Estimates Predicting the Incarceration Decision Between January 1987 and September 1996 Using Single Count Data Among Sentences *Inconsistent* with the Sentencing Guidelines (N=34,348).

Variable	b	s.e.	X^2
Constant	-0.484	0.121	--
Male	0.556	0.038	219.97***
Age	-0.006	0.002	16.33***
Nonwhite	0.291	0.058	25.53***
Property Offense	-0.478	0.070	46.59***
Drug Offense	-0.413	0.058	51.40***
Nonwhite*Property	0.172	0.088	3.85*
Nonwhite*Drug	-0.115	0.069	2.80
Plea Agreement	-0.383	0.083	21.22***
Plea, No Agreement	-0.465	0.087	28.45***
Court Trial	-0.339	0.103	10.74**
Offense Score	0.077	0.008	97.09***
Offender Score	0.344	0.007	2458.01***
Circuit 1	2.327	0.102	522.87***
Circuit 2	2.185	0.107	416.53***
Circuit 3	-0.117	0.041	8.05**
Circuit 4	2.056	0.100	421.77***
Circuit 5	-0.227	0.046	24.19***
Circuit 6	0.504	0.050	102.46***
Circuit 7	1.464	0.042	1191.49***
Log-likelihood	-18064.562		

* p <.05 ** p<.01 ***p <.0001

Table 16. Ordinary Least Squares Regression Estimates Predicting Sentence Length in Months Between January 1987 and September 1996 Among Sentences *Inconsistent* with the Sentencing Guidelines Using Single Count Data (N=23,473).

Variable	b	s.e.	*t*
Constant	-5.705	2.798	-2.04***
Sex	7.846	1.174	6.69***
Age	0.146	0.040	3.65**
Nonwhite	2.602	1.332	1.95*
Property	17.599	1.698	10.37***
Drug	-6.597	1.464	-4.51***
Nonwhite*Property	-2.801	2.088	-1.34
Nonwhite*Drug	0.336	1.703	0.20
Plea Agreement	-48.271	1.589	-30.37 ***
Plea, No Agreement	-43.249	1.746	-24.77***
Court Trial	-39.497	2.238	-17.65***
Offense Score	11.712	0.170	68.83***
Offender Score	4.908	0.153	32.11***
Circuit 1	32.545	1.584	20.55***
Circuit 2	42.313	1.736	24.37***
Circuit 3	11.513	1.226	9.39***
Circuit 4	40.071	1.750	22.90***
Circuit 5	-0.465	1.358	-0.34
Circuit 6	3.087	1.262	2.45*
Circuit 7	9.941	0.905	10.98***
R^2=0.252			

* p <.05 ** p<.01 *** p <.0001

Figure 1. Predicted Probability of Incarceration for a Hypothetical Individual with Mean Values on All Variables Except Race.

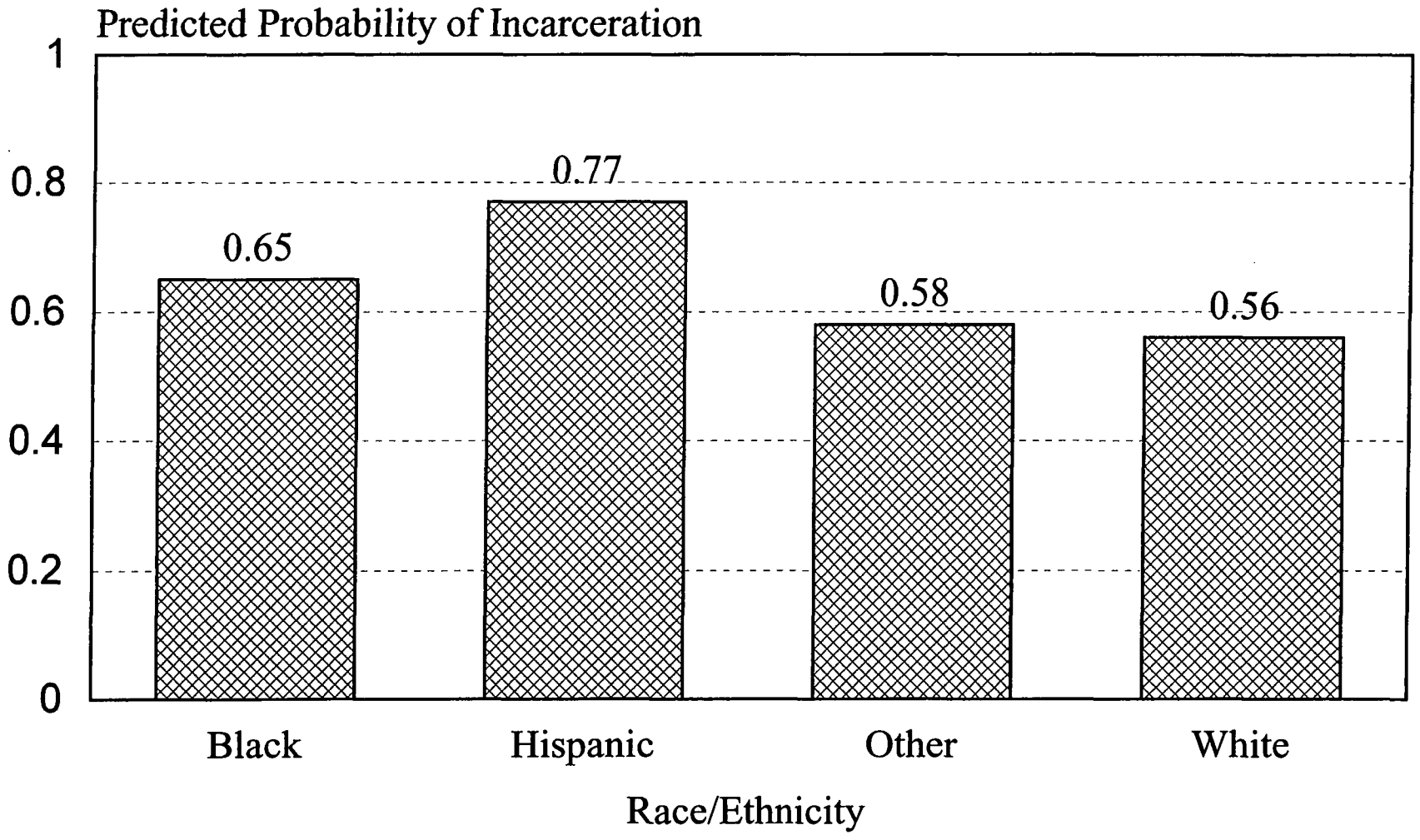


Figure 2. Predicted Probability of Incarceration for a Hypothetical Individual with Mean Values on All Variables Except Race.

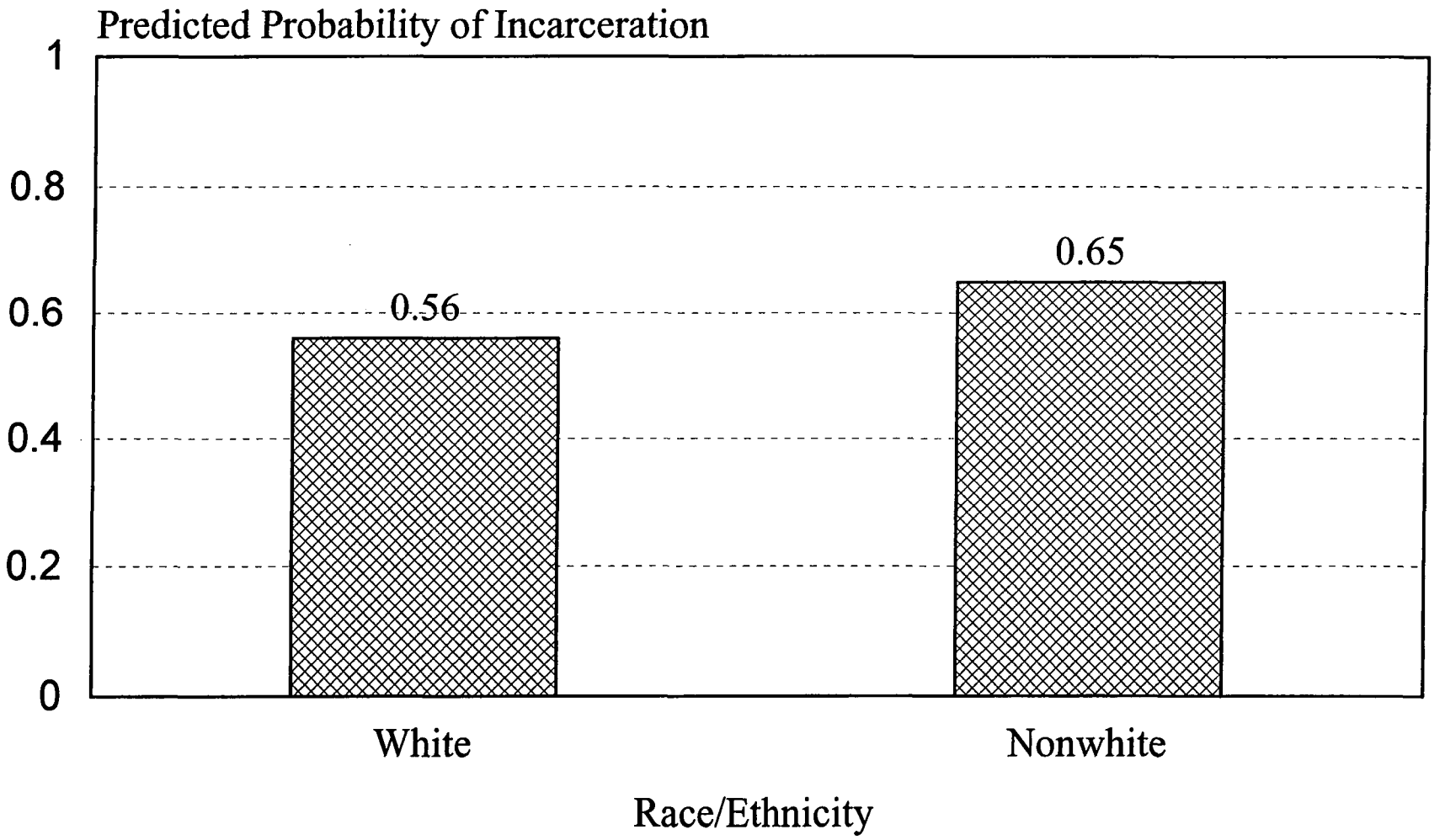


Figure 3. Predicted Probability of Incarceration for a Hypothetical Individual with Mean Values on All Variables Except Offender Score.

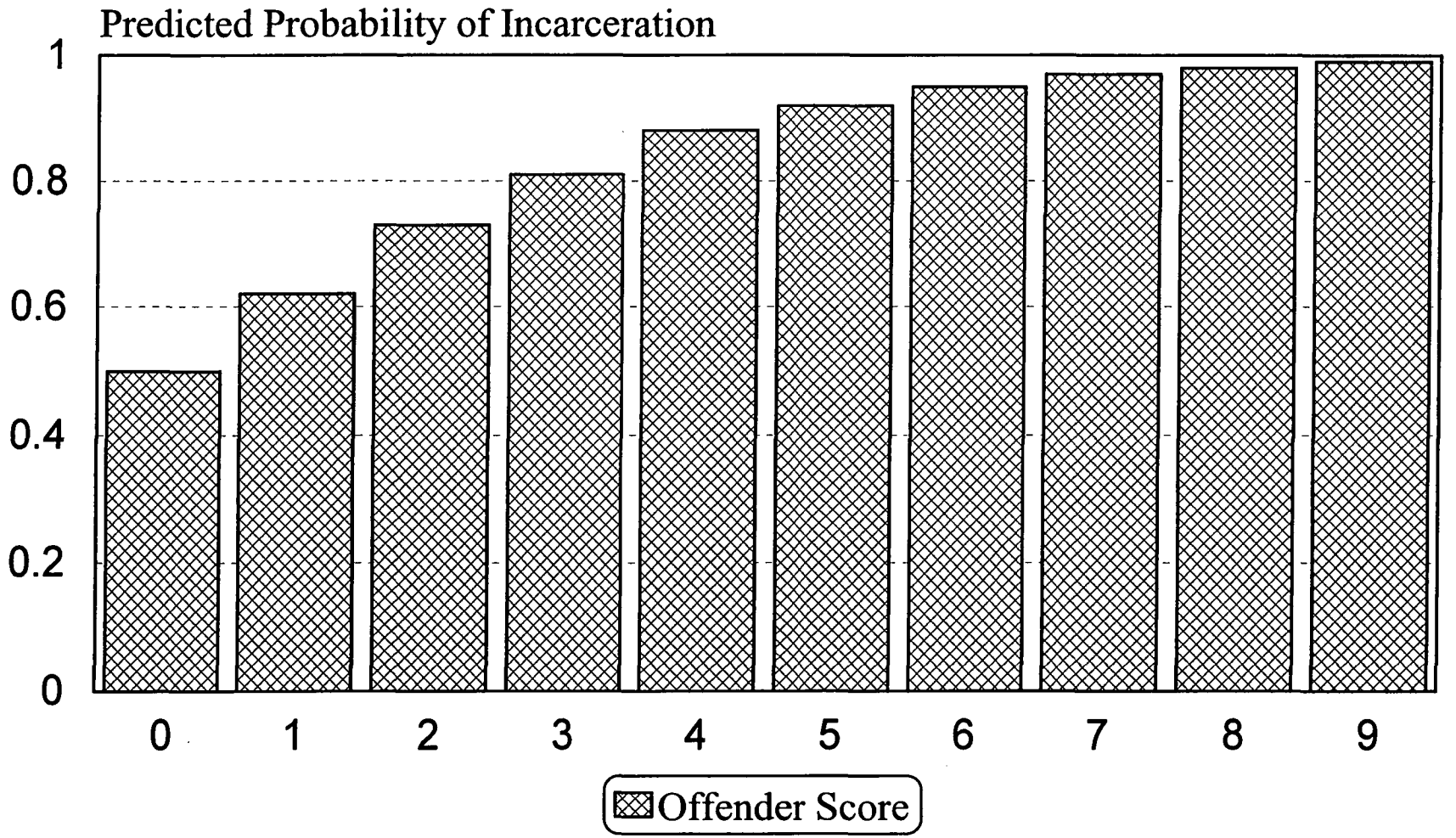
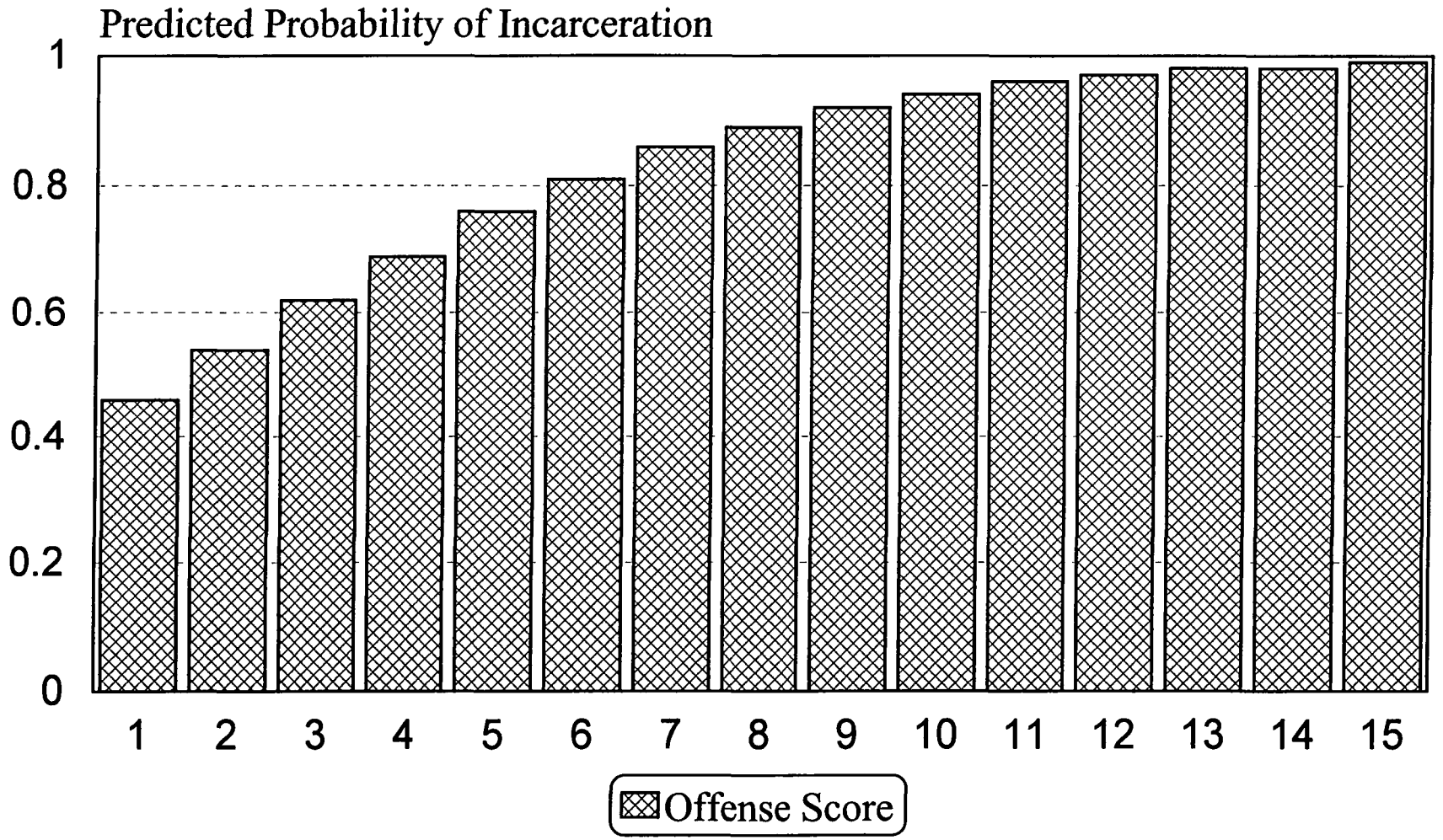


Figure 4. Predicted Probability of Incarceration for a Hypothetical Individual with Mean Values on All Variables Except Offense Score.



References

Blumstein, A. (1982). "On the Racial Disproportionality of the U.S. States' Prison Populations." Journal of Criminal Law and Criminology, 73(3):1259-1281.

Blumstein, A., Cohen, J., Martin, S.E., & M. Tonry, eds. (1983). Research on Sentencing: The Search for Reform. 2 vols. Washington, D.C.: National Academy Press.

Chiricos, T.G. & C. Crawford. (1995). "Race and Imprisonment: A Contextual Assessment of the Evidence." In D. Hawkins (ed.) Ethnicity, Race, and Crime: Perspectives across Time and Place. Albany: State University of New York Press.

Crutchfield, R.D., Bridges, G.S., & S.R. Pritchford. (1994). "Analytical and Aggregation Biases in Analyses of Imprisonment: Reconciling Discrepancies in Studies of Racial Disparity." Journal of Research in Crime and Delinquency, 31(2):166-182.

Hagan, J. (1974). "Extra-legal Attributes and Criminal Sentencing: An Assessment of a Sociological Viewpoint." Law and Society Review, 8:357-384.

Hanushek, E.A. & J.E. Jackson. (1977). Statistical Methods for Social Scientists. San Diego: Academic Press, Inc.

King, G. (1989). Unifying Political Methodology: The Likelihood Theory of Statistical Inference. Cambridge: Cambridge University Press.

Kleck, G. (1981). "Racial Discrimination in Criminal Sentencing: A Critical Evaluation of the Evidence with Additional Evidence on the Death Penalty." Criminology, 46:783-805.

Klepper, S., Nagin, D., & L. Tierney. (1983). "Discrimination in the Criminal Justice System: A Critical Appraisal of the Literature." In Blumstein, A., Cohen, J., Martin, S.E., & M. Tonry (eds.) Research on Sentencing: The Search for Reform. 2 vols. Washington, D.C.: National Academy Press.

Little, R.J.A. (1992). "Regression with Missing X's: A Review." Journal of the American Statistical Association, 87(420):1227-1237.

Miethe, T.D. & C.A. Moore. (1985). "Socioeconomic Disparities Under Determinate Sentencing Systems: A Comparison of Preguideline and Postguideline Practices in Minnesota." Criminology, 23(2):337-363.

Peterson, R.D. & J. Hagan. (1984). "Changing Conceptions of Race: Towards an Account of Anomalous Findings of Sentencing Research." American Sociological Review, 49:56-70.

References

Pindyck, R.S. & D.L. Rubinfeld. (1991). Econometric Models and Economic Forecasts (third edition). New York: McGraw-Hill.

Sampson, R.J. & J.L. Lauritsen. (1997). "Racial and Ethnic Disparities in Crime and Criminal Justice in the United States." In M. Tonry (ed.) Ethnicity, Crime, and Immigration: Comparative and Cross-National Perspectives, Crime and Justice: A Review of Research (vol. 21). Chicago: The University of Chicago Press.

SAS Institute (1990). SAS/STAT User's Guide. Cary, North Carolina: SAS Institute.

Spohn, C., Gruhl, J. & S. Welch. (1981-82). "The Effect of Race on Sentencing: A Re-examination of an Unsettled Question." Law and Society Review, 16(1):71-88.

Stolzenberg, L. & S.J. D'Allessio. (1994). "Sentencing and Unwarranted Disparity: An Empirical Assessment of the Long-Term Impact of Sentencing Guidelines in Minnesota." Criminology, 32(2):301-309.

Tonry, M. (1988). "Structured Sentencing." In M. Tonry & N. Morris (eds.) Crime and Justice: A Review of Research (vol. 10). Chicago: The University of Chicago Press.

Tonry, M. (1993). "Sentencing Commissions." In M. Tonry (ed.) Crime and Justice: A Review of Research (vol. 17). Chicago: The University of Chicago Press.

Welch, S., Spohn, C. & J. Gruhl. (1985). "Convicting and Sentencing Differences Among Black, Hispanic, and White Males in Six Localities." Justice Quarterly, 2:67-79.

Wolfgang, M.E. & M. Riedel. (1973). "Race, Judicial Discretion, and the Death Penalty." The Annals of The American Academy of Political and Social Science, 407:119-133.

Zatz, M. (1987). "The Changing Forms of Racial/Ethnic Biases in Sentencing." Journal of Research in Crime and Delinquency, 24:69-92.

APPENDIX D

MURDER 1ST DEGREE, 27, § 407-409								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	3	100%	21	30	1	100%	60	60
Anne Arundel	10	100%	45	60	19	100%	60	60
Baltimore County	14	100%	56.8	60	49	100%	57.04	60
Calvert	4	100%	56.3	60	5	100%	60	60
Caroline	1	100%	60	60	4	100%	60	60
Carroll	1	100%	60	60	4	100%	55	60
Cecil	3	100%	60	60	3	100%	60	60
Charles	10	100%	41	35	6	100%	55	60
Dorchester	2	100%	60	60	1	100%	60	60
Frederick	3	100%	43.3	40	7	100%	60	60
Garrett	0	--	--	--	0	--	--	--
Harford	1	100%	60	60	4	100%	48.75	60
Howard	5	100%	60	60	11	100%	60	60
Kent	0	--	--	--	1	100%	60	60
Montgomery	10	100%	33.8	30	26	100%	54.04	60
Prince George's	40	100%	42.5	40	181	99.5%	53.64	60
Queen Anne's	0	--	--	--	0	--	--	--
St. Mary's	2	100%	60	60	0	--	--	--
Somerset	0	--	--	--	0	--	--	--
Talbot	0	--	--	--	4	100%	60	60
Washington	4	100%	46.3	55	8	100%	56.25	60
Wicomico	9	100%	54.4	60	5	100%	60	60
Worcester	1	100%	60	60	2	100%	60	60
Baltimore City	74	100%	45.2	50	307	100%	53.75	60
GRAND TOTAL	N=197				N=648✚			

❖ Sentence length represents the actual amount of time an individual is expected to serve.

✚ Note that N=89 persons were charged with more than one count of Murder, 1st Degree. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

MURDER 2ND DEGREE, 27, §411								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	2	100%	21.5	21.5	1	100%	26	26
Anne Arundel	22	100%	15.7	15	11	100%	17.82	18
Baltimore County	35	100%	21.7	25	23	100%	21.83	20
Calvert	2	100%	17.5	17.5	0	--	--	--
Caroline	1	100%	10	10	2	100%	22.5	22.5
Carroll	3	100%	16.7	15	1	100%	25	25
Cecil	3	100%	20.6	30	2	100%	30	30
Charles	12	100%	20.2	19	7	100%	32.86	30
Dorchester	1	100%	6	6	2	100%	18.5	18.5
Frederick	4	100%	14.6	16.5	2	100%	17.5	17.5
Garrett	1	100%	20	20	1	100%	30	30
Harford	0	--	--	--	7	100%	21.71	20
Howard	11	100%	20.7	22	4	100%	25.25	25.5
Kent	0	--	--	--	1	100%	60	60
Montgomery	23	100%	20.1	20	12	100%	19.88	19
Prince George's	60	98.3%	19.4	20	108	100%	25.76	29
Queen Anne's	3	100%	21	18	1	100%	30	30
St. Mary's	6	100%	28.3	30	5	100%	25	30
Somerset	9	100%	26.1	26	1	100%	30	30
Talbot	1	100%	20	20	1	100%	30	30
Washington	5	100%	21.6	25	3	100%	30	30
Wicomico	13	100%	21.1	25	4	100%	22.5	22.5
Worcester	4	100%	28.8	30	0	--	--	--
Baltimore City	232	98.3%	16.9	15	379	98.2%	21.31	20
GRAND TOTAL	N=453				N=578✚			

✚ Note that N=25 persons were charged with more than one count of Murder, 2nd Degree. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

RAPE, 1ST DEGREE, 27, § 462								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	1	100%	35	35	1	100%	35	35
Anne Arundel	10	100%	20.2	20	21	100%	30.43	25
Baltimore County	16	100%	39.7	37.5	32	100%	50.91	60
Calvert	0	--	--	--	2	100%	34	34
Caroline	0	--	--	--	1	100%	25	25
Carroll	0	--	--	--	1	100%	60	60
Cecil	0	--	--	--	0	--	--	--
Charles	5	100%	28	30	4	100%	50	60
Dorchester	1	100%	30	30	3	100%	36.67	30
Frederick	3	100%	45	60	2	100%	35	35
Garrett	0	--	--	--	0	--	--	--
Harford	1	100%	30	30	5	100%	33	25
Howard	4	100%	33.8	32.5	7	100%	53.57	60
Kent	1	100%	60	60	0	--	--	--
Montgomery	8	100%	38	30	27	100%	47.37	60
Prince George's	40	100%	31.3	25	72	100%	45.87	60
Queen Anne's	1	100%	60	60	1	100%	60	60
St. Mary's	1	100%	60	60	3	100%	43.33	40
Somerset	1	100%	1.5	1.5	3	100%	60	60
Talbot	2	100%	50	50	1	100%	60	60
Washington	1	100%	30	30	0	--	--	--
Wicomico	2	100%	40	40	7	100%	50	60
Worcester	3	100%	40	60	2	100%	60	60
Baltimore City	33	93.9%	18.9	17	80	100%	37.92	37.5
GRAND TOTAL	N=134				N=275✚			

✚ Note that N=53 persons were charged with more than one count of Rape, 1st Degree. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

ASSAULT WITH INTENT TO MAIM, 27, § 386*								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	4	75.0%	5.69	3.60	3	100%	6.33	7
Anne Arundel	63	84.1%	3.50	2	28	96.4%	6.57	5
Baltimore County	161	77.0%	3.28	2	67	88.1%	5.80	5
Calvert	16	87.5%	3.10	1.48	16	93.8%	6.20	4
Caroline	0	--	--	--	1	100%	1	1
Carroll	2	100%	Missing	Missing	2	100%	2.63	2.63
Cecil	1	100%	7	7	4	100%	8.25	7.75
Charles	29	89.7%	4.72	4	19	100%	9.32	10
Dorchester	1	100%	8	8	6	100%	7.58	7.5
Frederick	15	100%	6.35	7	15	80%	8.54	6.5
Garrett	2	100%	5	5	0	--	--	--
Harford	5	100%	4.4	3	12	100%	6.19	5.5
Howard	8	87.5%	6.65	7.49	7	100%	7.35	8
Kent	0	--	--	--	0	--	--	--
Montgomery	63	88.9%	2.95	1.48	49	87.8%	5.22	5
Prince George's	343	88.6%	3.10	2	259	96.5%	7.64	7
Queen Anne's	1	100%	10	10	3	100%	11.67	10
St. Mary's	0	--	--	--	3	100%	9	9
Somerset	0	--	--	--	1	100%	1.48	1.48
Talbot	6	100%	4.17	4.5	5	100%	4.76	5
Washington	17	94.1%	4.48	3.5	5	100%	8.8	10
Wicomico	21	100%	5	3	12	100%	9.34	10
Worcester	5	100%	3.96	4	3	100%	11	15
Baltimore City	68	80.9%	4.23	4	78	85.9%	6.91	5
GRAND TOTAL	N=831				N=598✚			

* Offense repealed effective October 1, 1996.

✚ Note that N=73 persons were charged with more than one count of Assault with intent to Maim. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

ASSAULT WITH INTENT TO MURDER, 27, § 12*								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	3	100%	14.7	17	0	--	--	--
Anne Arundel	18	88.9%	10.9	10	25	96.0%	12.01	10
Baltimore County	7	100%	2.68	1.48	7	85.7%	13.83	14
Calvert	1	100%	6	6	7	100%	14.88	15
Caroline	0	--	--	--	3	66.7%	22.5	22.5
Carroll	3	66.7%	2.87	2.87	5	100%	14.6	8
Cecil	3	100%	20	20	1	100%	30	30
Charles	3	100%	7.49	6	2	100%	17.5	17.5
Dorchester	1	100%	15	15	5	100%	12.6	13
Frederick	5	100%	12.6	15	6	100%	15.67	12
Garrett	1	100%	1	1	1	100%	20	20
Harford	4	100%	7.25	7.5	2	100%	12.5	12.5
Howard	12	100%	8.15	6.5	10	100%	17.4	15
Kent	0	--	--	--	2	100%	14	14
Montgomery	5	100%	2.79	3	13	100%	10	8
Prince George's	73	95.9%	7.98	7	129	100%	13.31	10
Queen Anne's	0	100%	--	--	1	100%	15	15
St. Mary's	2	100%	8.5	8.5	1	100%	10	10
Somerset	0	--	--	--	2	100%	5.09	5.09
Talbot	1	100%	Missing	Missing	3	100%	7.83	7.5
Washington	4	100%	13.75	14	7	100%	23.29	30
Wicomico	15	93.3%	8.96	7	23	100%	13.09	10
Worcester	3	100%	23.33	20	2	100%	21	21
Baltimore City	201	85.6%	5.77	5	350	94.0%	9.72	8
GRAND TOTAL	N=365				N=607✚			

* Offense repealed effective October 1, 1996.

✚ Note that N=72 persons were charged with more than one count of Assault with intent to Murder. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

ASSAULT WITH INTENT TO RAPE/SEX OFFENSE, 27, §12*								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	1	100%	5	5	1	100%	15	15
Anne Arundel	22	86.4%	3.74	2.49	6	83.3%	8.6	10
Baltimore County	6	66.7%	7.75	9	5	100%	8.4	10
Calvert	3	100%	1.16	1	2	100%	11	11
Caroline	0	--	--	--	0	--	--	--
Carroll	0	--	--	--	4	100%	8.25	10
Cecil	0	--	--	--	1	100%	15	15
Charles	1	100%	12	12	0	--	--	--
Dorchester	1	100%	2.51	2.51	1	100%	10	10
Frederick	5	80%	1.58	1.21	3	100%	10.67	12
Garrett	0	--	--	--	1	100%	10	10
Harford	2	50%	15	15	3	66.7%	11.5	11.5
Howard	2	50%	7	7	1	100%	15	15
Kent	0	--	--	--	0	--	--	--
Montgomery	10	80%	3.98	3.25	5	80.0%	1.11	1.24
Prince George's	38	94.7%	3.65	4	21	100%	10.90	10
Queen Anne's	0	--	--	--	3	100%	11.67	15
St. Mary's	0	--	--	--	1	100%	10	10
Somerset	0	--	--	--	1	100%	15	15
Talbot	0	--	--	--	0	--	--	--
Washington	3	100%	7.14	6	3	100%	13.33	15
Wicomico	22	100%	4.62	4	2	100%	6.5	6.5
Worcester	4	100%	5.49	2.74	1	100%	15	15
Baltimore City	41	80.5%	3.45	3.74	15	80.0%	9.54	10
GRAND TOTAL	N=161				N=80✚			

* Offense repealed effective October 1, 1996.

✚ Note that N=1 person was charged with more than one count of Assault with intent to Rape. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

MALICIOUS INJURY, 27, § 385*								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	0	--	--	--	0	--	--	--
Anne Arundel	0	--	--	--	1	100%	1	1
Baltimore County	0	--	--	--	1	100%	5	5
Calvert	0	--	--	--	0	--	--	--
Caroline	0	--	--	--	0	--	--	--
Carroll	0	--	--	--	0	--	--	--
Cecil	0	--	--	--	0	--	--	--
Charles	0	--	--	--	0	--	--	--
Dorchester	0	--	--	--	0	--	--	--
Frederick	0	--	--	--	0	--	--	--
Garrett	0	--	--	--	0	--	--	--
Harford	0	--	--	--	0	--	--	--
Howard	0	--	--	--	0	--	--	--
Kent	0	--	--	--	0	--	--	--
Montgomery	0	--	--	--	0	--	--	--
Prince George's	15	86.7%	2.50	2	13	100%	6.38	5
Queen Anne's	0	--	--	--	0	--	--	--
St. Mary's	0	--	--	--	0	--	--	--
Somerset	0	--	--	--	1	100%	12	12
Talbot	0	--	--	--	0	--	--	--
Washington	0	--	--	--	0	--	--	--
Wicomico	0	--	--	--	1	100%	10	10
Worcester	0	--	--	--	0	--	--	--
Baltimore City	1	100%	2	2	2	50.0%	1	1
GRAND TOTAL	N=16				N=19✚			

* Offense repealed effective October 1, 1996.

✚ Note that N=1 person was charged with more than one count of Malicious Injury. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

RAPE 2ND DEGREE, 27, §463								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	8	100%	4	1.51	9	100%	11.33	10
Anne Arundel	54	88.9%	6.51	5	12	91.7%	11.91	10
Baltimore County	101	71.3%	6.37	5	29	93.1%	9.61	10
Calvert	22	86.4%	4.63	1.51	11	90.9%	9.45	10
Caroline	2	100%	11.5	11.5	5	80.0%	13.25	15
Carroll	13	53.8%	4.40	2	2	100%	15	15
Cecil	3	100%	6.67	3	4	100%	16.5	20
Charles	19	100%	7.42	7	13	100%	12.81	15
Dorchester	2	100%	11	11	2	100%	20	20
Frederick	19	100%	8.09	5	7	100%	7.42	5
Garrett	2	100%	6.5	6.5	2	100%	17.5	17.5
Harford	1	100%	15	15	10	90.0%	10.67	8
Howard	23	87%	5.29	2.5	4	75.0%	4.19	5.33
Kent	2	100%	12.5	12.5	2	100%	9	9
Montgomery	43	93.0%	4.69	4	36	97.2%	9.07	8
Prince George's	160	90.6%	5.72	5	53	88.7%	11.28	10
Queen Anne's	2	100%	11	11	1	100%	0.005	0.005
St. Mary's	9	100%	9.61	8	4	100%	19.8	20
Somerset	3	100%	14	14	0	--	--	--
Talbot	6	100%	2.42	2.5	4	100%	8.75	8.5
Washington	14	85.7%	9.63	8	6	100%	11.9	14.5
Wicomico	15	100%	12.26	12	8	100%	15	17.5
Worcester	13	84.6%	3.43	0.49	1	100%	10	10
Baltimore City	202	79.2%	5.45	4	83	88.0%	10.99	10
GRAND TOTAL	N=738				N=308✚			

✚ Note that N=47 persons were charged with more than one count of Rape, 2nd Degree. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

ROBBERY WITH A DEADLY WEAPON, 27, § 488								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	3	100%	5.33	5	8	100%	9.96	10
Anne Arundel	108	94.4%	6.62	6	117	98.3%	10.65	10
Baltimore County	247	87.0%	6.06	5	521	96.2%	10.62	10
Calvert	15	100%	5.47	5	10	100%	11.38	12
Caroline	0	--	--	--	6	100%	13.33	10
Carroll	19	78.9%	5.62	2.33	12	91.7%	8.90	8
Cecil	4	100%	13.75	12.5	2	100%	20	20
Charles	41	97.6%	8.89	8	47	97.9%	15.88	20
Dorchester	9	100%	8.39	8	8	100%	16.38	16.5
Frederick	11	90.9%	9.10	7.5	17	100%	15.41	20
Garrett	1	100%	10	10	2	100%	11	11
Harford	7	100%	4.86	5	11	100%	14	18
Howard	55	96.4%	5.75	5	43	95.4%	12.24	10
Kent	1	100%	20	20	1	100%	15	15
Montgomery	116	93.1%	4.50	3	204	96.1%	8.81	6
Prince George's	421	95.5%	5.59	5	766	99.5%	11.41	10
Queen Anne's	1	100%	20	20	1	100%	10	10
St. Mary's	5	100%	8.12	6	2	100%	10	10
Somerset	6	100%	10.58	9.75	3	100%	20	20
Talbot	2	100%	11.5	11.5	2	100%	20	20
Washington	26	92.3%	11.77	11	17	100%	14.44	15
Wicomico	40	95.0%	8.56	8	43	100%	13.46	14
Worcester	10	84.6%	11.51	10	1	100%	4	4
Baltimore City	876	87.8%	4.78	4	1166	94.7%	9.31	8
GRAND TOTAL	N=2,024				N=3,010✚			

✚ Note that N=998 persons were charged with more than one count of Robbery with a Deadly Weapon. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

ASSAULT WITH INTENT TO ROBBERY, 27, § 12*								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	0	--	--	--	1	100%	10	10
Anne Arundel	17	76.5%	2.66	1.48	16	93.8%	6.7	6
Baltimore County	2	100%	2	2	1	100%	10	10
Calvert	0	--	--	--	5	80.0%	7.25	8
Caroline	0	--	--	--	0	--	--	--
Carroll	0	--	--	--	1	0%	--	--
Cecil	2	100%	1.8	1.8	0	--	--	--
Charles	1	100%	4	4	4	100%	7.37	9
Dorchester	2	100%	4.5	4.5	0	--	--	--
Frederick	4	75%	3.16	3	9	100%	5.80	5
Garrett	0	--	--	--	1	100%	5	5
Harford	2	100%	2.5	2.5	2	100%	15	15
Howard	11	81.8%	0.91	0.49	3	100%	6	2
Kent	0	--	--	--	0	--	--	--
Montgomery	11	90.9%	3.21	2.66	23	78.3%	6.27	7.5
Prince George's	61	95.1%	2.04	1	52	100%	6.51	5
Queen Anne's	3	100%	3.84	5	2	50.0%	10	10
St. Mary's	2	100%	1.03	1.03	1	100%	0.42	0.42
Somerset	1	100%	7	7	4	100%	6.5	7
Talbot	0	--	--	--	2	100%	5.5	5.5
Washington	9	100%	5.67	5	2	100%	0.44	0.44
Wicomico	9	100%	3	2	4	100%	8	8.5
Worcester	0	--	--	--	1	100%	5	5
Baltimore City	114	79.8%	2.02	1	49	91.8%	5.13	5
GRAND TOTAL	N=251				N=183✤			

* Offense repealed effective October 1, 1996.

✤ Note that N=21 persons were charged with more than one count of Assault with intent to Robbery. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

ROBBERY, 27, § 486								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	12	83.3%	5.52	4.5	2	100%	6.5	6.5
Anne Arundel	176	83.5%	2.94	1.48	89	93.3%	6.33	6
Baltimore County	501	70.9%	3.92	3	166	88.6%	6.29	5
Calvert	9	77.8%	3.70	1.48	4	75.0%	10	10
Caroline	9	88.9%	3.51	3.5	2	100%	10	10
Carroll	13	92.3%	2.56	2	12	83.3%	4.85	5
Cecil	16	93.8%	6.90	8	2	100%	0.82	0.82
Charles	56	96.4%	4.01	3	29	86.2%	7.25	8
Dorchester	15	100%	3.88	4	5	100%	8.8	10
Frederick	34	88.2%	3.68	1.74	18	100%	4.96	5
Garrett	1	100%	8	8	3	100%	6.33	5
Harford	18	94.4%	4.22	3	12	75.0%	5.18	5
Howard	82	89.0%	3.20	2	20	85.0%	3.65	3
Kent	2	100%	4	4	1	100%	1	1
Montgomery	181	86.2%	2.22	1.48	130	88.5%	4.75	4
Prince George's	707	94.6%	2.49	1.48	295	96.3%	6.36	6
Queen Anne's	1	100%	10	10	1	100%	10	10
St. Mary's	15	100%	4.26	4	6	100%	5.47	5.5
Somerset	5	100%	5.30	3	3	100%	6.33	6
Talbot	9	100%	5.56	5	3	00%	5.67	6
Washington	33	93.9%	4.55	5	18	100%	5.82	6
Wicomico	63	100%	3.31	2	27	100%	6.92	7
Worcester	28	96.4%	6.64	5	5	100%	9	10
Baltimore City	1366	80.5%	2.42	1.64	471	87.7%	4.75	4
GRAND TOTAL	N=3,352				N=1,324✚			

✚ Note that N=486 persons were charged with more than one count of Robbery. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

ASSAULT, CL*								
SINGLE COUNT					*MULTIPLE COUNT*			
			Sentence Length In Years:				Sentence Length In Years:	
COUNTY	N	% Incar.	Average	Median	N	% Incar.	Average	Median
Allegany	62	48.4%	1.39	1	35	65.7%	2.15	1
Anne Arundel	321	44.5%	1.56	1	182	69.2%	3.3	1.48
Baltimore County	700	31.9%	1.68	1	364	67.6%	3.36	1.48
Calvert	70	42.9%	1.08	0.49	46	76.1%	2.28	1.48
Caroline	47	63.8%	1.61	0.45	32	71.9%	4.07	2
Carroll	47	17.0%	0.65	0.78	57	40.4%	2.53	1.48
Cecil	64	79.7%	3.31	2	24	83.3%	3.43	1.74
Charles	167	60.5%	1.52	0.54	77	90.9%	2.95	1
Dorchester	51	82.4%	1.43	0.69	35	94.3%	2.40	2
Frederick	159	39.6%	1.99	1	62	74.2%	2.74	1
Garrett	8	75.0%	5.08	5	12	83.3%	2.49	2
Harford	29	69.0%	1.66	1	48	64.6%	2.77	1.68
Howard	112	43.8%	1.43	0.4	64	70.3%	2.39	1
Kent	66	51.5%	2.10	0.83	12	91.7%	1.76	1.48
Montgomery	272	48.5%	1.11	0.66	235	67.7%	2.11	1
Prince George's	614	63.0%	0.92	0.30	317	81.1%	2.96	1
Queen Anne's	22	77.3%	1.63	0.74	14	78.6%	1.98	1.48
St. Mary's	96	68.8%	0.91	0.49	48	95.8%	3.33	1.48
Somerset	83	75.9%	2.52	1	15	86.7%	3.43	2
Talbot	51	51.0%	1.85	0.78	37	67.6%	2.75	2
Washington	262	81.7%	2.33	1	57	84.2%	4.68	3
Wicomico	190	65.8%	1.61	0.74	120	85.0%	3.16	1.48
Worcester	79	68.4%	1.73	0.60	28	82.1%	3.52	1.84
Baltimore City	1257	51.2%	1.76	0.66	1254	75.5%	3.42	2
GRAND TOTAL	N=4,829				N=3,175✚			

* Offense repealed effective October 1, 1996.

✚ Note that N=704 persons were charged with more than one count of Assault, CL. The average sentence length across multiple counts was computed for each individual and used in the calculation of the overall average for each county.

APPENDIX E

Preliminary Report:

Crime and Sentencing:
A Public Opinion Survey of the People of Maryland

September 1997

Daniel R. Lee
Charles Wellford

Maryland Justice Analysis Center

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I. Background and Survey Information

Recently, there has been much interest in measuring public perceptions of crime and criminal justice activities. This report focuses on reporting the perceptions of Maryland residents of the seriousness of crime in the United States and their own personal victimization. In particular, we have explored citizens' attitudes towards the criminal justice system, sentencing, and the use of alternatives to incarceration. Comparisons of these results are made with the perceptions of residents from other states where similar surveys have been conducted. Additionally, the direct responses of survey participants are reported when available. The survey instrument is included in its entirety in the appendices to this report.

II. Summary of Findings

Perceptions of Crime

Most Marylanders perceive crime to be a very serious national problem and to a lesser extent, at least a somewhat serious state-wide problem. However, most people perceive crime in their own neighborhood as not being a serious problem.

In general, the people surveyed in Maryland think that crime (especially juvenile crime) and illegal drug use have risen in the last five years despite reports of declining crime rates.

Approximately one in four survey respondents report some instance of victimization within their family within the last five years. Of these reports, about 25% were reported as violent crimes.

Marylanders overwhelmingly expect offenders to not be concerned with being caught.

Causes of Crime--Effective Responses

For the most part, Marylanders suggest moral issues, illegal drug use, and breakdown of family as being the most important causes of crime. Others identify lack of education, insufficient numbers of police, leniency of judges, poverty, unemployment, and insufficient prison space as significant causes.

Marylanders believe that the most effective effort to reduce crime is investing in children's programs, and place that effort ahead of hiring more police officers or building more prisons. A large majority of Marylanders believe that trying juveniles as adults will be at least somewhat effective in reducing crime, but about one in four believe that sending juveniles to adult prisons will be the least effective effort.

The Criminal Justice System: Police, Courts and Sentencing

The people of Maryland generally believe that criminal justice institutions (police, courts, prisons) are "fair" to "good". Most believe that the state criminal justice system holds restitution, punishment and deterrence as very important goals, but rehabilitation is not seen as important.

The majority of people in Maryland believe that violent offenders should be sent to prison almost all of the time, but they do not expect violent offenders will be sent to prison, and if sent, the people do not expect a full sentence to be served. About one in three Marylanders believe that violent offenders are sent to prison more than half of the time.

Less than one-third of Marylanders believe that the state adequately punishes offenders, and less than one-fourth believe that the state adequately achieves restitution, deterrence, and rehabilitation goals. This is despite the finding that most respondents believe that these goals are very important.

Most Marylanders believe that the criminal justice system in the state of Maryland treats rich people better than poorer people. This is believed to occur in the courts as well as with the police.

Corrections

More than half of the people in Maryland believe that most inmates are not being productive during the day. Also, more than half of the people in Maryland believe that offenders are more dangerous when they are released from prison.

Views on Changes in Corrections and Sentencing Policy

People in Maryland report they are willing to pay higher taxes to cover the cost of supervising the productive work of inmates. They are divided in opinion on paying more taxes to cover the expense of treatment programs, education programs and supervision during recreation.

People are more willing to support the use of judicial discretion in the sentencing of non-violent offenders. Most respondents indicated support for limited judicial discretion in sentencing violent offenders. A majority of people believe that early release should be allowed for non-violent offenders.

Most people believe that juveniles should receive the same sentence as adults for violent crimes when they have reached the age of 16.

Views on Alternative Sentencing

A majority of people find that boot camps and intensive supervision are the only sentencing alternatives to be acceptable for violent offenders. They are equally divided on the use of work release and electronic monitoring and not in favor of restitution and community service for violent offenders.

Most Marylanders are in favor of alternative sentencing for non-violent offenders. All forms of alternative sentencing surveyed were acceptable to some degree. Intensive supervision and bootcamps remain as highly favored alternatives to prison sentences.

People are generally opposed to the use of day fines for violent offenders. In regards to non-violent offenders, the opinions of the people are equally split.

The majority of people favor the use of alternatives that are cheaper to prison especially

for non-violent offenders.

About two-thirds of Marylanders favor the increased use of capital punishment.

It could be argued that longer prison terms will reduce crime. The people of Maryland almost equally expect that this will have no effect on crime as they expect a reduction in crime.

III. Perceptions of Crime

Finding: People in Maryland view crime as a serious problem throughout the country and the state but less so in their own neighborhood.

Table 1
Views on Seriousness of Crime Problem

	Very Serious	Somewhat Serious	Not Very Serious	Not At All Serious	Don't Know
In the United States	85.2%	12.7%	0.9%	0.6%	0.5%
In the State of Maryland	66.2%	30.2%	1.7%	0.3%	1.6%
In the Respondent's Own Neighborhood	11.5%	30.1%	39.9%	17.5%	1.0%

(See Appendix: Q1-Q3)

Finding: In General, people in Maryland think that crime has risen in the last five years.

Table 2

Views on Change of Crime in Maryland in the Last Five Years

	Increased	Decreased	Stayed the Same	Don't Know
Non-Violent Crime	55.5 %	5.8 %	32.6 %	6.1 %
Violent Crime	66.3 %	6.4 %	23.6 %	3.8 %
Juvenile Crime	83.2 %	2.0 %	10.5 %	4.2 %
Drug Use	70.8 %	2.1 %	20.4 %	6.7 %

(See Appendix: Q8-Q11)

Finding: In comparison to people in other states, less people in Maryland believe that violent crime has increased, about the same amount of people believe that juvenile crime has increased, and more people believe that illegal drug use has increased.

Table 2a

Beliefs About Crime Increasing Across States by Type of Offense

	MD,97	NC,95	OK,95	OR,95	VT,94	PA,93	DE,91
Violent crime increasing	66.3%	80%	76%	77%	60%	na	na
Juvenile Crime Increasing	83.2%	85%	90%	88%	na	na	na
Illegal drug use increasing	70.8%	67%	52%	52%	51%	50%	50%

Commentary:

Based on the number of murders, rapes, robberies, and aggravated assaults reported to the police as a measure of violent crime in the state, the actual occurrences of these violent index crimes in Maryland has decreased by 3.8% (from 49.040 violent crimes in 1992 to 47,179 violent crimes in 1996).[1] The violent crime rate per 100,000 inhabitants has dropped from 1,000.8 in 1992 to 929.2 in 1996 for a decrease of 7.2%. The most dramatic decrease in violent crime was for reported rapes which decreased 16.1% (from 2,280 rapes in 1992 to 1,913 rapes in 1996). In 1992, the reported rape rate was 46.5 per 100,000 inhabitants, and in 1996, this rate decreased to 37.7 per 100,000 inhabitants for a decrease of 18.9%.

Based on the number of burglaries, larceny-thefts, and motor vehicle thefts reported to the police as a measure of non-violent crime in the state, the actual occurrence of non-violent index crimes in Maryland has increased 1.4% (from 256,414 non-violent crimes in

[1]The official statistics reported here were taken from the 1995 edition of Crime in Maryland (State Police of Maryland, 1996) and the Preliminary Annual Report for 1996 (State Police of Maryland, 1997).

1992 to 260,072 non-violent crimes in 1996). The non-violent crime rate for 1992 was reported to be 5,232.8 non-violent crimes per 100,000 inhabitants and dropped to 5,127.6 non-violent crimes per 100,000 inhabitants in 1996 for a decrease of 2.0%. The largest increase in non-violent index crimes was for larceny-thefts which increased 5.1% (from 165,236 larceny-thefts in 1992 to 173,660 larceny-thefts in 1996). The rate of larceny-thefts in 1992 was 3,366.7 per 100,000 inhabitants and increased to a rate of 3,423.9 per 100,000 inhabitants for an increase of 1.7%. Despite this overall increase in the total number of non-violent index crimes, burglary offenses have decreased 9.2% (from 55,521 burglaries in 1992 to 50,346 burglaries in 1996). The burglary rate in 1992 was 1,131.2 per 100,000 inhabitants and decreased to a rate of 992.6 per 100,000 inhabitants in 1996 for a decrease of 12.3%.

The overall number of all index crimes in the state of Maryland for the last five years has remained fairly stable. In 1992, the total number of index crimes was 305,454, and in 1996, there were 307,251 index crimes for an overall increase of 0.6%. The rate of index crimes per 100,000 inhabitants in 1992 was 6,223.6, and in 1996, this rate was 6,057.8 per 100,000 inhabitants for a decrease of 2.6%.

Recent reports of juvenile arrests also show some signs of stability (State Police of Maryland, 1995). In 1994, juvenile arrests represented 17.7% of all arrests, and in 1995, juvenile arrests represented 17.5% of all arrests.

The official reports of illegal drug possession are consistent with the respondents' perceptions of illegal drug use. In 1992, the number of drug possession arrests were 19,112 and increased 40.8% for a total of 26,926 in 1995. In 1992, the rate of drug possession arrests was 390.0 per 100,000 inhabitants and increased 36.9% to a rate of 534.0 drug possession arrests per 100,000 inhabitants in 1996.

Finding: More than one in four people in Maryland report that someone in their immediate family has been a victim of crime in the past five years.

Table 3
Crime Victimization In Last Five Years

	Yes	No	Don't Know
Anyone in family a victim of crime	28.0 %	71.0 %	1.0 %
If YES, was this a violent crime	26.3 %	73.5 %	0.1 %

(See Appendix: Q12-Q12a)

Finding: Of the people who reported a victimization, more than one in four report that the crime was violent in nature. This rate of rate of violent victimization is similar to that reported from other states.

Table 3a
Reports of Victimization in Various States

	MD, 97	NC, 95	OK,95	OR,95
Family member a victim of crime	28%	23%	30%	27%
Family member a victim of violent crime	7.4%	9%	10%	6%

Finding: Marylanders overwhelmingly expect offenders to not be concerned with being caught.

Table 4
People Who Commit Crimes are...

Concerned About Being Caught	Not Concerned About Being Caught	Don't Know
14.2 %	83.0 %	2.8 %

(See Appendix: Q36)

Quotes from survey respondents:
"Some maybe."
"Some are, some aren't."
"Depends on the crime."
"Without drug factors."
"It varies."

IV. Causes of Crime--Effective Responses

Finding: Marylanders believe that the main causes of crime are related to moral issues and illegal drug use.

Table 5
Causes of Crime

	Very Important	Somewhat Important	Not That Important	Not at All Important	Don't Know
Kids don't know right/wrong	86.3 %	9.2 %	2.4 %	1.6 %	0.6 %
Lack of morals and values	86.0 %	10.4 %	1.8 %	1.2 %	0.6 %
Illegal drug use	80.0 %	15.9 %	0.9 %	1.9 %	1.2 %
Breakdown of Family	78.7 %	17.1 %	0.4 %	1.7 %	2.1 %
Not enough emphasis on obeying the law	71.1 %	19.3 %	4.1 %	3.9 %	1.5 %
Lack of education	69.6 %	20.4 %	8.1 %	1.3 %	0.6 %
Schools do not provide a safe/productive learning environment	68.9 %	24.4 %	4.1 %	0.8 %	1.8 %
Not enough police	63.8 %	26.3 %	5.6 %	2.6 %	1.7 %
Judges that are too lenient	60.6 %	23.5 %	10.0 %	0.4 %	5.4 %
Alcohol abuse	62.1 %	31.7 %	3.0 %	1.1 %	2.1 %
Poverty	54.4 %	35.8 %	8.8 %	0.4 %	0.6 %
Unemployment	52.1 %	36.3 %	9.3 %	1.1 %	1.3 %
Not enough prison space	49.5 %	29.0 %	13.2 %	5.1 %	3.2 %

(See Appendix: EQ1-EQ13)

Finding: Marylanders are similar in their perceptions of crime causation to people in other states. It is interesting to note that across states, it appears that moral issues are more strongly believe to be related to the causes of crime than the number or actions of criminal justice actors and institutions.

Table 5a
Comparison of Crime Causes Across Several States

Very important cause of crime	MD,97	NC,95	OK,95	OR,95	VT,94	PA,93	DE,91
Kids don't know right/wrong	86.3 %	89 %	85 %	86 %	86 %	na	na
Lack of morals and values	86.0 %	71 %	70 %	67 %	59 %	na	na
Illegal drug use	80.0 %	85 %	80 %	72 %	69 %	93 %	94 %
Breakdown of Family	78.7 %	66 %	63 %	67 %	69 %	70 %	71 %
Not enough emphasis on obeying the law	71.1 %	56 %	55 %	67 %	50 %	50 %	39 %
Lack of education	69.6 %	55 %	48 %	60 %	63 %	65 %	67 %
Schools do not provide a safe/productive learning environment	68.9 %	na	na	na	na	na	na
Not enough police	63.8 %	39 %	36 %	38 %	41 %	37 %	28 %
Judges that are too lenient	60.6 %	63 %	62 %	59 %	49 %	44 %	39 %
Alcohol abuse	62.1 %	55 %	57 %	na	na	na	na
Poverty	54.4 %	45 %	46 %	50 %	54 %	64 %	63 %
Unemployment	52.1 %	42 %	44 %	44 %	56 %	68 %	54 %
Not enough prisons	49.5 %	50 %	48 %	59 %	50 %	na	na

Finding: More than one-half of the people surveyed in Maryland believe that the leniency of judges to be a major cause of crime. This is slightly less than the 60% who believed that judges who are too lenient are a very important cause of crime. (See Table 4 above.)

Table 6
Perceived Cause of Crime

	Yes	No	Don't Know
Judges who are too lenient	53.0 %	41.0 %	6.0 %

(See Appendix: Q26)

Quotes from survey respondents:

"In some cases."
"All over 65 need to retire."

Finding: People in Maryland believe that efforts to reduce crime by investing in children's programs will be the most effective. It is interesting to note that almost 70% expect trying more juveniles as adults to be at least somewhat effective but, many (26%) believe that sending juveniles to adult prisons will be the least effective effort.

Table 7
Effectiveness in Reducing Crime
5 = most effective 1 = least effective

	(5)	(4)	(3)	(2)	(1)	Don't Know
Increasing investments in children's programs	63.0 %	10.6 %	21.6 %	3.2 %	0.6 %	1.0 %
Hiring more police officers	54.1 %	18.6 %	16.5 %	2.3 %	8.1 %	0.5 %
Making parents liable for children's crimes	50.5 %	5.4 %	16.2 %	10.2 %	16.2 %	1.4 %
Trying more juveniles as adults	45.6 %	24.2 %	13.0 %	6.3 %	9.3 %	1.5 %
Building more prisons	27.5 %	9.6 %	26.2 %	19.5 %	16.4 %	0.9 %
Sending more juveniles to adult prisons	19.6 %	14.3 %	28.3 %	10.5 %	26.3 %	1.0 %

(See Appendix: CQ1-CQ6)

V. The Criminal Justice System: Police, Courts and Sentencing

Finding: The people in Maryland generally believe that criminal justice institutions are "fair" to "good".

Table 8
Views on Maryland Criminal Justice Institutions

	Excellent	Good	Fair	Poor	Don't know
Courts	2.0 %	29.7 %	34.9 %	20.4 %	13.0 %
Prison System	2.2 %	18.1 %	33.3 %	22.5 %	23.9 %
Police	16.6 %	45.0 %	30.3 %	6.4 %	1.6 %

(See Appendix: Q4-Q7)

Quotes from survey respondents:

Police:

"Prince George's is rough, and Charles County is good."

Finding: Most Marylanders perceive the state Criminal Justice System to hold restitution, punishment and deterrence as very important goals. Marylanders do not perceive rehabilitation as a goal with as much importance. These perceptions seem to parallel those reported by North Carolinians.

Table 9
Perceived Importance of Systemic Goals

	Very Important		Somewhat Important		Not That Important		Not at All Important		Don't Know	
	MD	NC95	MD	NC95	MD	NC95	MD	NC95	MD	NC95
Discourage law breaking	91.6 %	86%	5.2 %	12%	1.2 %	2%	1.0 %	na	1.0 %	na
Punish offenders	90.3 %	89%	7.5 %	9%	1.0 %	1%	0.2 %	na	1.0 %	na
Require offenders to pay restitution	81.5 %	87%	12.4 %	10%	3.0 %	3%	1.7 %	na	1.4 %	na
Rehabilitate offenders	56.8 %	68%	27.3 %	22%	7.8 %	8%	4.5 %	na	3.5 %	na

(See Appendix: Q13-Q16)

Quotes from survey respondents:

Restitution:
"If they are guilty, yes."

Finding: Overwhelmingly, people in Maryland believe that violent offenders should be sent to prison almost all of the time. However, many do not expect violent offenders to be sent to prison, and if sent to prison, they are not expected to serve their full sentence.

Table 10
Perception of Criminal Justice Actions Against Violent Offenders

	Almost all of the time	Most of the time	Half of the time	Less than half of the time	Almost never	Don't Know
Violent offenders are sent to prison	13.8 %	20.7 %	40.4 %	17.0 %	1.7 %	6.3 %
Violent offenders should be sent to prison	77.4 %	18.2 %	2.3 %	0.9 %	0.1 %	1.1 %
Violent offenders will serve their full sentence	8.9 %	8.4 %	29.7 %	26.6 %	24.7 %	1.8 %

(See Appendix: Q17-Q19)

Quotes from survey respondents:

Person convicted of violent crime **is** sent to prison:

"Always sent to prison, but don't stay there."

"Depends on the economic level."

"It varies."

Person convicted of violent crime **should be** sent to prison:

"All the time."

This comment was stated by 38 respondents.

Serve full sentence:

"Never."

This comment was stated by 5 respondents.

Finding: More than one-third of the people in Maryland believe that violent offenders are sent to prison more than half of the time, but in most other states surveyed, only about one-fourth believe this to be true.

Table 10a
Perception of Violent Offenders Being Sent to Prison Across States

	MD	NC95	OK 95	OR95	VT94
Almost all of the time or most of the time	35 %	25 %	24 %	27 %	46 %
Half of the time or less	59 %	72 %	75 %	66 %	48 %

Commentary:

During calendar year 1995, approximately 70% of persons convicted of a single violent offense in a Maryland circuit court were sentenced to a period of incarceration. Among individuals who had been convicted of multiple offenses including at least one violent offense, 91% received a term of incarceration. The incarceration rate and sentence length clearly varied by specific offense type. Consider, for example, the incarceration rates and sentence lengths associated with the following violent offenses:

Table 10b

Actual Findings From an Analysis of Sentencing Data for Violent Offenders in Maryland

	Incarceration Rate * N (%)	Sentence Length **
Murder (1st or 2nd degree):	59 (100%)	Average: 24.5 years Median: 20.0 years
Rape (1st or 2nd degree):	77 (93%)	Average: 11.0 years Median: 5.0 years
Robbery (with or without deadly weapon):	486 (85%)	Average: 3.8 years Median: 2.2 years
Assault (includes Assault with intent to Maim, Murder, Rape, or Robbery):	163 (87%)	Average: 4.0 years Median: 3.0 years
Assault and/or Battery:	356 (50%)	Average: 1.6 years Median: 1.0 years

* Source: Data were provided by the Maryland Administrative Offices of the Courts to the University of Maryland Center for Applied Policy Studies. Figures are based on persons convicted of a single violent offense during 1995 (N=2,679).

** Sentence length represents the number of years an individual is expected to serve. It does not include time initially imposed and then suspended or any form of community-based sanction (e.g., probation).

Finding: When asked about specific systemic goals, less than one-third believe the Maryland Criminal Justice System adequately punishes offenders, and less than one-fourth believe the Maryland Criminal Justice System adequately achieves restitution, deterrence and rehabilitation goals.

Table 11
Perceived Adequacy of the Maryland Criminal Justice System

Maryland Criminal Justice System adequately ...	Yes	No	Don't Know
Punishes offenders	29.9 %	61.9 %	8.3 %
Makes offenders pay restitution to their victims	18.8 %	69.8 %	11.4 %
Deters people from committing crimes	20.9 %	70.0 %	9.1 %
Rehabilitates offenders	21.5 %	66.7 %	11.9 %

(See Appendix: Q22-Q25)

Quotes from survey respondents:
Rehabilitation:
"Sometimes."
"It varies."

Finding: Almost two-thirds of the people in Maryland believe that rich people are treated better by the court system, and more than one-half believe that rich people are treated better by the police. A more pronounced perception of special treatment was found in North Carolina.

Table 12
Perceived Special Treatment

	Yes	Yes NC 95	No	Don't Know
Are rich people better treated than poor people in court	63.2 %	75 %	25.1 %	11.7 %
Are rich people better treated than poor people by police	52.1 %	68 %	37.5 %	10.4 %

(See Appendix: Q27-Q28)

Quotes from survey respondents:
Courts:
"Depends."
"Maybe."
"Not on that criteria."

Police:
"Not on that criteria."
"They can't tell."

VI. Corrections

Finding: A little more than half of the people in Maryland believe that most inmates are not doing anything productive during the day. This is similar to what has been reported by the people surveyed in North Carolina.

Table 13
Activity of Inmates

	Sitting around, watching TV, playing cards	Working in prison jobs	Don't know
Maryland	54.7 %	27.0 %	18.3 %
North Carolina 1995	63 %	24 %	n/a

(See Appendix: Q20)

Quotes from survey respondents:

"Both code 1 and 2."

"Get to weight room to work as best they can."

"Both."

"Both."

"Spend time leisurely."

Finding: More than half of the people in Maryland believe that offenders are more dangerous when released because of being incarcerated. This is similar to the beliefs reported by the people of North Carolina.

Table 14
Effect of Incarceration on Offenders

	Less Dangerous because of prison	More dangerous because of prison	Don't know
Maryland	26.6 %	56.3 %	17.0 %
North Carolina 1995	19 %	64 %	n/a

(See Appendix: Q21)

Quotes from survey respondents:

"No change."

"Some don't come out more dangerous, others do."

"The same as before."

"About the same."

"Less in their first year."

"Depends on the crime."

"Depends on the individual."

"Neither."

"Half and half."

VII. Views on Changes in Corrections and Sentencing Policy

Finding: More people in Maryland are willing to pay higher taxes to cover the cost of supervising inmates who work productively than for any other purpose. The people of Maryland seem to be equally divided on paying higher taxes to cover the cost of treatment, education programs, and supervision during recreation.

Table 15
Willing to Pay Higher Taxes

	Yes	No	Don't know
To cover the cost of supervising inmates who work at a productive job at least 40 hours/week	68.8 %	28.1 %	3.2 %
To cover the cost of psychiatric treatment for mentally ill offenders	53.1 %	43.8 %	3.1 %
To cover the cost of providing education for inmates who do not have a high school diploma	52.9 %	44.6 %	2.5 %
To cover the cost of supervising inmates during recreation if TV /movie hours were reduced or eliminated	51.5 %	44.6 %	4.0 %
To pay for the construction of a drug treatment center to ensure a mandatory sentence of treatment for drug offenders	46.7 %	50.1 %	3.1 %
To pay for the construction of an alcohol treatment center to ensure a mandatory sentence of treatment for alcohol related offenders	45.7 %	51.6 %	2.7 %

(See Appendix: Q29-Q34)

Quotes from survey respondents:

To pay for drug treatment:
"Depends on how high that tax would be."
"Only once and not repeatedly."
"There is adequate tax space that can be relocated."

To pay for alcohol treatment:
"Not repeatedly."

To pay for psychiatric treatment:
"It will depend on the illness."
"Need to know how much."
"No, adequate tax space."

To pay for high school education:
"If they want one."

To pay for cost of supervision of working inmates:
"If the money would go to someone other than them."
"I would pay if it was from 25-30 hours per week, but not 40. Again, because of amount of tax and where priorities in terms of treatment versus skill training. Would need to know percentages."
"It depends on if they get work release."

To pay for cost of supervision during recreation:
"If they were better trained guards."
"Premise is false--more dangerous."
"Adequate tax space."

Finding: People in Maryland are more inclined to suggest judicial discretion in the sentencing of non-violent offenders.

Table 16
Judicial Discretion in Determining Sentence

	Some Discretion Should be Allowed	Law Should Dictate	Don't Know
For Violent Offenders	39.5 %	57.7 %	2.8 %
For Non-Violent Offenders	57.9 %	41.1 %	1.0 %

(See Appendix: AQ2,CQ8)

Finding: Two-thirds of the people in Maryland believe that early release should be allowed for non-violent offenders, but only one-third believe early release should be used for violent offenders

Table 17
Early Release of Offenders

	Entire sentence should be served	Time off for good behavior	Don't know
Violent offenders	77.6 %	19.3 %	3.1 %
Non-Violent offenders	32.3 %	66.1 %	1.6 %

(See Appendix: AQ1,CQ7)

Quotes from survey respondents:

" Case by case."

Finding: Most people in Maryland believe that juveniles should receive the same sentence as adults for violent crimes when they are 16 years old.

Table 18
Age Juveniles Should Receive Same Sentence as Adults for Violent Crimes

Never	>11	12	13	14	15	16	17	18	19	20	21	DK
1.9%	6.8%	4.7 %	4.5%	11.2%	5.4%	36.7%	1.2%	6.2%	0.6%	2.9%	0.1%	7.8%

(See Appendix: EQ14)

Quotes from survey respondents:

"Should be convicted as adults, but not put in with adults."
"At whatever age."
"12 plus."
"Doesn't matter."

Finding: People in Maryland and North Carolina agree to some extent about when juveniles should receive the same sentence as adults, but North Carolinians seem to be more inclined to give equal sentences to older juveniles.

Table 18a
Age Juveniles Should Receive Same Sentence as Adults for Violent Crimes: Comparison of Views Between People of Maryland and North Carolina

	Never	> 12 years	13 years	14 years	15 years	16 years	17+ years	Don't Know
Maryland	1.9 %	11.5 %	4.5 %	11.2 %	15.4 %	36.7 %	11 %	7.8 %
North Carolina	n/a	8 %	7 %	13 %	18 %	31 %	21 %	3 %

VIII. Views on Alternative Sentencing

Finding: The majority of Marylanders find few forms of alternative sentencing favorable for violent offenders. These are boot camps and intensive supervision. They are equally divided on work release and electronic monitoring and not in favor of restitution and community service.

Table 19
Alternative Sentencing for Violent Offenders Instead of Prison

	Yes	No	Don't Know
Sentenced to a boot camp	69.7 %	24.1 %	6.2 %
Required to see a probation officer once per week, subjected to unscheduled visits and mandatory drug testing	57.5 %	40.5 %	2.0 %
Work regular jobs at day, locked up at night, mandatory drug treatment, job training or high school classes	49.2 %	50.1 %	0.7 %
Report in-person each morning at a reporting center	47.4 %	50.0 %	2.6 %
Wear an electronic monitoring device, stay at home except for work and school	46.7 %	52.7 %	0.6 %
Locked up at night except for school and work	41.8 %	57.4 %	0.8 %
Pay restitution	34.6 %	61.8 %	3.5 %
Perform unpaid community service	36.2 %	61.8 %	2.1 %

(See Appendix: AQ3-AQ10)

Quotes from survey respondents:

Instead of prison, pay restitution?:
"Do both"
"Judge should have some discretion"
"They should have both"

Unpaid community service?:
"Service and prison sentence"
"They should do both"

Bootcamp?:
"Depends on what they did"
"Some violent offenders, or all violent offenders"
"Depends on the crime that they committed"

Work regular jobs during day, lock up at night, drug treatment, job training and high school classes?:
"Except the mentally ill"

Electronic monitoring?:
"Do both"

Locked up at night and school or work during the day?:
"Depends on what they did. If they killed someone, they should be locked up."

"It depends on the situation"

Finding: Overall, Marylanders are more in favor of alternative sentences for non-violent offenders than violent offenders. All forms of alternative sentencing were favorable for the majority of respondents. Intensive supervision and bootcamps remain as highly favored alternatives to prison.

Table 20
Alternative Sentencing for Non-violent Offenders Instead of Prison

	Yes	No	Don't Know	NC-1995 In Favor
Required to see a probation officer once per week, subjected to unscheduled visits and mandatory drug testing	90.5 %	6.5 %	3.0 %	89 %
Sentenced to a boot camp	88.7 %	9.6 %	1.6 %	97 %
Pay restitution	83.6 %	10.7 %	5.8 %	98 %
Perform unpaid community service	82.2 %	15.5 %	2.3 %	97 %
Work regular jobs at day, locked up at night, mandatory drug treatment, job training or high school classes	81.4 %	13.8 %	4.8 %	88 %
Report in-person each morning at a reporting center	76.3 %	20.6 %	3.1 %	88 %
Locked up at night except for school and work	74.1 %	22.9 %	3.0 %	82 %
Wear an electronic monitoring device, stay at home except for work and school	63.2 %	34.5 %	2.3 %	80 %

(See Appendix: BQ1-BQ8)

Quotes from survey respondents:

Pay restitution:
"Do both"

Unpaid community service:
"Do both"

Electronic monitoring:
"They should make it in a way that the device would cause embarrassment to the offender."

Finding: In Maryland, the people are generally opposed to the use of day fines based on one day's wages for violent offenders. With non-violent offenders in mind, the opinions are split almost equally.

Table 21
Day Fines Equal to One Day of Pay

	Strongly Favor	Somewhat Favor	Total Favor	Somewhat Oppose	Strongly Oppose	Total Opposed	Don't Know
For Violent Offenders	18.9 %	16.6 %	35.5 %	23.4 %	37.5 %	60.9 %	3.5 %
For Non-Violent Offenders	17.7 %	35.1 %	52.8 %	31.5 %	12.2 %	43.7 %	3.5 %

(See Appendix: AQ11-BQ9)

Quotes from survey respondents:

For non-violent offenders?:
"Depends on the crime"

Finding: In other states, the opinions about day fines vary. In North Carolina, the opinion was split. In Oregon, the people were more in favor of day fines based on one day's wages.

Table 21a
Day Fines Equal to One Day of Pay
(Opinions in this table are not specific to violent or non-violent offenders.)

	Strongly Favor	Somewhat Favor	Total Favor	Somewhat Oppose	Strongly Oppose	Total Oppose
North Carolina 1995	20 %	30 %	50 %	10 %	40 %	50 %
Oregon 1995	48 %	18 %	66 %	16 %	14 %	30 %

Finding: The majority of Marylanders favor the use of alternatives that are cheaper than prison especially for non-violent offenders. This is similar to the opinions expressed by the people of North Carolina.

Table 22
Use Alternatives That Are Cheaper Than Prison

	Yes	No	Don't Know
For Violent Offenders	68.3 %	27.7 %	3.9 %
For Non-violent Offenders	91.9 %	4.0 %	4.1 %
North Carolina (not specific)	93 %	6 %	na

(See Appendix: AQ12-BQ10)

Quotes from survey respondents:

Violent offenders:
"According to the crime committed"

Non-violent offenders:
"If it is possible"

Finding: Marylanders are in favor of increasing the use of capital punishment but not as much as in other states.

Table 23 Should Maryland Increase the Use of Capital Punishment

	Yes	No	Don't Know
Maryland	66.3 %	32.6 %	1.1 %
North Carolina	84 %	13 %	na

(See Appendix: CQ9)

Quotes from survey respondents:
"It depends on the situation"

Finding: Longer prison terms are nearly equally expected to have little or no effect on crime as they are to reduce crime.

Table 24
Perceived Effect of Longer Prison Terms

Reduces Crime	Has Little or No Effect on Crime	Don't Know
46.5 %	48.3 %	5.2 %

(See Appendix: Q35)

Finding: In wide variety of case scenarios, the majority of people in Maryland prefer a prison sentence as opposed to an alternative sentence. In two scenarios ($20 cocaine sale and car theft), alternatives are preferred.

Table 25
Use of Alternative Sentences

	Prison Sentence	Altern. Sentence	DK	NC 95 Prison Sent.	NC 95 Alt. Sent.
First Offense: Man stalks and rapes a college student	92.7 %	6.9 %	0.4 %	94 %	6 %
First Offense: Person shoots but does not kill store owner during robbery	91.2 %	8.1 %	0.8 %	65 %	35 %
Third Offense: Drunk man beats wife, no permanent injuries, wife does not want him to go to prison	78.7 %	17.8 %	3.5 %	59 %	39 %
First Offense: Drunk man beats wife, no permanent injury	52.9 %	45.2 %	1.9 %	19 %	81 %
Second Offense: Selling $20 cocaine	85.6 %	13.2 %	1.2 %	67 %	33%
First Offense: Sell $20 cocaine to high school student	76.9 %	20.9 %	2.2 %	50 %	50 %
First offense: Sell $2000 worth of cocaine	63.4 %	34.0 %	2.5 %	67 %	32 %*
First Offense: Sell $20 cocaine	26.9 %	71.1 %	2.0 %	30 %	69 %
First Offense: Armed burglar steals $2000 worth of merchandise from empty store	75.5 %	23.4 %	1.1 %	48 %	51 %
Second Offense: Unarmed drug addict breaks into an empty store, steals $2000 merchandise to pay for habit	72.2 %	27.3 %	0.4 %	61 %	39 %
First Offense: Unarmed burglar steals $2000 worth of merchandise from empty store	55.7 %	43.2 %	1.1 %	19 %	81 %
Second Offense: Person shoplifts $300 worth of clothing	78.9 %	20.1 %	1.0 %	40 %	60 %
First Offense: Accountant embezzles $200,000	73.1 %	25.8 %	1.1 %	51 %	49 %
Third Offense: Person shoplifts $300 clothing, has steady job, three kids	60.5%	38.4%	1.0%	36%	62%
First Offense: Steal a car/ no damage	34.8 %	63.8 %	1.4 %	5 %	95%
First Offense: Man fondles his adult step-daughter without her consent	67.8 %	30.7 %	1.5 %	51 %	46%
Second Offense: A woman arrested for driving with suspended license one year after drunk driving conviction	67.1 %	32.5 %	0.4 %	19 %	80 %
First Offense: Adult male commits statutory rape with a 15 year old girl	74.3 %	21.8 %	3.9 %	48 %	50 %

*In the North Carolina survey, the scenario involved $2,000 worth of heroin. (See Appendix: CQ10-CQ13, DQ1-DQ14)

Quotes from survey respondents:

First offense/ $20 cocaine:

"Depends on what the alternative would be."

First offense/spouse abuse:

"If there were no injuries."

First offense/stalk and rape:

"Prison plus therapy."

First offense/statutory rape:

"If she's in a bar, she's for her, but otherwise, she's for the man."

"It would depend on the situation."

"House arrest, I would go for it."

First offense/fondle step-daughter:

"Prison plus psychiatric help."

First offense/shoot but not kill store owner during robbery:

"Also needs a psychologist."

First offense/joyride:

"If it's a kid, give a break. Otherwise, alternative."

First offense/$200,000 embezzlement:

"Prison plus restitution."

Second offense/driving without a license:

"Depends on what she was driving. May be driving someone to a hospital."

"If she didn't learn."

Third offense/wife-beating but wife doesn't want arrest::

"Rehab for drinking."

"Wife should go to therapy."

Finding: In Maryland, people do not expect a large proportion of successful rehabilitation among drug addicts, alcoholics and offenders.

Table 26
Perceived Rate of Successful Rehabilitation

	0%	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%	DK
Drug Addicts	3.7%	13.2%	22.9%	7.1%	8.8%	25.6 %	4.6%	3.5%	2.0%	0.9%	2.5%	5.3%
Alcoholics	0.6%	10.9%	6.7%	13.5%	8.5%	29.0%	9.2%	5.3%	6.0%	1.1%	0.9%	8.3%
Offenders	1.7%	17.2%	11.5%	9.9%	9.2%	28.9%	2.0%	4.5%	7.5%	2.1%	0.5%	5.1%

(See Appendix: EQ15-EQ17)

Finding: Most Marylanders do not believe that the rehabilitation of drug addicts, alcoholics or offenders is very likely. This is similar to the beliefs of survey respondents in North Carolina.

Table 26a

Perceived Rate of Successful Rehabilitation

	Less than half (0-40% success)		About Half (50-60% success)		Solid Majority (70-100% success)		Don't Know	
	MD	NC	MD	NC	MD	NC	MD	NC
Drug Addicts	55.7%	69%	30.2%	22%	8.9%	3%	5.3%	7%
Alcoholics	40.2%	58%	38.2%	30%	13.3%	8%	8.3%	4%
Offenders	49.5%	62%	30.9%	28%	14.6%	4%	5.1%	5%

IX. Methodology

The goal of this study was to complete 800 telephone interviews with adult Maryland residents living in households with telephones. The purpose of the study was to access Maryland residents' attitudes about crime issues and sentencing guidelines in the state. The questionnaire was designed to ask all respondents a core set of questions first. The sample was then divided into five equal parts, each being administered one of five different sets of supplemental questions.

The sample design was a Random Digit Dial (RDD) using a list assisted frame. In list assisted samples, all possible area-code exchange banks of numbers are checked for the inclusion of listed (published) telephone numbers. If a bank contains any listed residential numbers, the entire bank is included in the frame.

The questionnaire was designed by the Survey Research Center at the University of Maryland. There were two telephone pretests conducted by SRC before the start of main data collection. The pretests were conducted in April of 1997.

A sample of 1,720 telephone numbers was selected, of which 1,142 were determined to be eligible households. Of these, 69% were interviewed, 17% refused, 10% non-contacts ant the remaining 4% were miscellaneous problems. A total of 793 interviews were completed for a response rate of 69%.

The demographics of the respondents in the sample are summarized in the tables below.

Table 27

Gender

Male	Female
44.2 %	55.8 %

Table 28

Hispanic Origin

yes	no
4.9 %	95.1 %

Table 29

Race of Respondent

White	Black	Asian	Other
68.7 %	28.1 %	1.7 %	1.5 %

Table 30
Employment Status

Full-time	Part-time	Not Employed
61.1	9.3	29.6

Table 31
Adults in Respondent's Household

1	2	3	4	5	9
15.5 %	56.5 %	18.3 %	7.4 %	2.2 %	0.2 %

Table 32 Age Groups	
18-24	10.6 %
25-34	22.8 %
35-44	22.4 %
45-54	16.1 %
55-64	10.1 %
65-74	8.6 %
75 +	5.9 %

Table 33
Education Groups

Less Than High School	17.2 %
High School Grad	34.9 %
Less Than College	25.8 %
College Grad	14.3 %
Post Grad	6.4 %

Table 34
Household Income

$12,000 or less	2.9 %
$12,001-$20,000	5.7 %
$20,001-$30,000	14.2 %
$30,000-$50,000	19.7 %
$50,001-$75,000	22.8 %
$75,001-$100,000	8.8 %
$100,001 or more	8.9 %

Table 35 Region of State	
Prince George's County	14.7 %
Montgomery County	11.7 %
Anne Arundel County/Howard County	12.4 %
Baltimore City	15.2 %
Baltimore County	16.9 %
Eastern Maryland	13.6 %
Western Maryland	15.5 %

X. Appendix: Survey Questions

Q1: In general, would you say that crime in the United States is a very serious problem, somewhat serious, not very serious, or not at all a serious problem?

Q2: In general, would you say that crime in the state of Maryland is a very serious problem, somewhat serious, not very serious, or not at all a serious problem?

Q3: In general, would you say that crime in your neighborhood is a very serious problem, somewhat serious, not very serious, or not at all a serious problem?

Q4: In general, would you rate Maryland's courts as: excellent, good, fair, or poor?

Q6: In general, would you rate Maryland's prison system as: excellent, good, fair, or poor?

Q7: In general, would you rate police in Maryland as: excellent, good, fair, or poor?

Q8: Since 1992, do you think non-violent crime in Maryland has: Increased, decreased or stayed about the same?

Q9: Since 1992, do you think violent crime in Maryland has: Increased, decreased or stayed about the same?

Q10: Since 1992, do you think juvenile crime in Maryland has: Increased, decreased or stayed about the same?

Q11: Since 1992, do you think the use of illegal drugs in Maryland has: Increased, decreased or stayed about the same?

Q12: Since 1992, have you or anyone in your immediate family been a victim of crime?

Q12a: Were any of these violent crimes?

Q13: Do you think it is very important, somewhat important, not that important, or not at all important that Maryland's Criminal Justice System should require offenders to pay restitution to their victims?

Q14: Do you think it is very important, somewhat important, not that important, or not at all important that Maryland's Criminal Justice System should punish offenders?

Q15: Do you think it is very important, somewhat important, not that important, or not at all important that Maryland's Criminal Justice System should rehabilitate offenders?

Q16: Do you think it is very important, somewhat important, not that important, or not at all important that Maryland's Criminal Justice System should discourage people from breaking the law?

Q17: In Maryland, do you think someone convicted of a violent crime using a gun, a knife or force is sent to prison almost all the time, most of the time, about half of the time, less than half of the time, or almost never?

Q18: In Maryland, do you think someone convicted of a violent crime using a gun, a knife or force should be sent to prison almost all the time, most of the time, about half of the time, less than half of the time, or almost never?

Q19: In Maryland, do you think someone convicted of a violent crime using a gun, a knife or force will serve their full sentence almost all the time, most of the time, about half of the time, less than half of the time, or almost never?

Q20: In Maryland, do you think prison inmates spend most of their time: sitting around all day doing things like watching TV and playing cards or working in prison jobs?

Q21: In Maryland, do you think most inmates that are released from prison are: less dangerous as a result of their prison experience or more dangerous as a result of their prison experience?

Q22: Do you think Maryland's Criminal Justice System does an adequate job of punishing offenders?

Q23: Do you think Maryland's Criminal Justice System does an adequate job at making offenders pay restitution to their victims or society?

Q24: Do you think Maryland's Criminal Justice System does an adequate job at deterring people from committing crimes?

Q25: Do you think Maryland's Criminal Justice System does an adequate job at rehabilitating offenders?

Q26: Do you think a major cause of crime in Maryland is judges who are too lenient?

Q27: Do you think Maryland courts treat rich people better than poor people?

Q28: Do you think police in Maryland treat rich people better than poor people?

Q29: Would you be willing to pay higher taxes to cover the additional cost of building enough drug treatment facilities so that every offender in a drug related crime can be sentenced to a mandatory drug treatment program?

Q30: Would you be willing to pay higher taxes to cover the additional cost of building enough alcohol treatment facilities so that every offender in an alcohol related crime can be sentenced to a mandatory alcohol treatment program?

Q31: Would you be willing to pay higher taxes to cover the additional cost of providing psychiatric treatment to every inmate who is mentally ill?

Q32: Would you be willing to pay higher taxes to cover the additional cost of providing a high school education to every inmate that does not have one?

Q33: Would you be willing to pay higher taxes to cover the additional cost of prison guards needed to supervise inmates so they can work at a productive job at least 40 hours a week?

Q34: Would you be willing to pay higher taxes to cover the additional cost of prison guards needed to supervise inmates because they become more dangerous if the amount of time they were allowed to watch TV or movies was reduced or eliminated?

Q35: Do you think longer prison terms would: reduce crime or have little or no effect on reducing crime?

Q36: Do you think people that commit crimes are concerned about getting caught or not concerned about getting caught.

Supplement #1 of 5:
Now we would like to ask you about your views concerning the use of alternative sentencing guidelines for violent offenders.

AQ1: Do you think violent offenders should serve their entire sentence regardless of how they behave in prison or do you think they should be given time off for good behavior?

AQ2: Do you think judges should have some discretion in setting sentences for violent offenders or do you think the law should dictate what the sentence should be?

AQ3: Instead of a prison sentence, do you think violent offenders should pay restitution to the victims of their crimes?

AQ4: Instead of a prison sentence, do you think violent offenders should perform unpaid community service?

AQ5: Instead of a prison sentence, do you think violent offenders should be sentenced to boot camp where they get up early and work hard all day under strict supervision and strong discipline?

AQ6: Instead of a prison sentence, do you think violent offenders should be required to see a probation officer once a week, be subject to unscheduled visits by the officer and mandatory drug testing?

AQ7: Instead of a prison sentence, do you think violent offenders should work at their regular jobs during the day, but be locked in at night and have to attend mandatory drug treatment, job training, or high school classes?

AQ8: Instead of a prison sentence, do you think violent offenders should be required to report in-person each morning at a reporting center, and have their activities monitored throughout the day?

AQ9: Instead of a prison sentence, do you think violent offenders should be required to wear an electronic monitoring device and have to stay at home all day except to go to work or school?

AQ10: Instead of a prison sentence, do you think violent offenders should be locked up at night but go to work or school during the day?

AQ11: A day fine is a form of alternative sentencing in which people pay a fine that is equal to one day's pay for that person. Imagine two people, one earning $35 a day and the other earning $100 a day. Both are convicted of the same crime and receive a fine equal to ten day's pay. The first person would pay $350 while the second would pay $1,000. Do you strongly favor, somewhat favor, somewhat oppose or strongly oppose day fines for violent offenders?

AQ12: The average cost of prison for one inmate is more than $18,000 per year. Do you think we should make greater use of less expensive alternatives for violent offenders?

Supplement #2 of 5

Now we would like to ask you about your views concerning the use of alternative sentencing guidelines for nonviolent offenders in Maryland.

BQ1: Instead of a prison sentence, do you think non-violent offenders should pay restitution to the victims of their crimes?

BQ2: Instead of a prison sentence, do you think non-violent offenders should perform unpaid community service?

BQ3: Instead of a prison sentence, do you think non-violent offenders should be sentenced to boot camp where they get up early and work hard all day under strict supervision and strong discipline?

BQ4: Instead of a prison sentence, do you think non-violent offenders should be required to see a probation officer once a week, be subject to unscheduled visits by the officer and mandatory drug testing?

BQ5: Instead of a prison sentence, do you think non-violent offenders should work at their regular jobs during the day, but be locked in at night and have to attend mandatory drug treatment, job training, or high school classes?

BQ6: Instead of a prison sentence, do you think non-violent offenders should be required to report in-person each morning at a reporting center, and have their activities monitored throughout the day?

BQ7: Instead of a prison sentence, do you think non-violent offenders should be required to wear an electronic monitoring device and have to stay at home all day except to go to work or school?

BQ8: Instead of a prison sentence, do you think non-violent offenders should be locked up at night but go to work or school during the day?

BQ9: A day fine is a form of alternative sentencing in which people pay a fine that is equal to one day's pay for that person. Imagine two people, one earning $35 a day and the other earning $100 a day. Both are convicted of the same crime and receive a fine equal to ten day's pay. The first person would pay $350 while the second would pay $1,000. Do you strongly favor, somewhat favor, somewhat oppose or strongly oppose day fines for non-violent offenders?

BQ10: The average cost of prison for one inmate is more than $18,000 per year. Do you think we should make greater use of less expensive alternatives for non-violent offenders?

Supplement #3 of 5:

Using a scale of 1 to 5 with 1 meaning least effective and 5 meaning most effective, please rank the following in order of long term effectiveness in reducing crime.

CQ1: Trying more juveniles as adults.

CQ2: Sentencing more juveniles to adult prisons.

CQ3: Increasing investment in programs for children.

CQ4: Hiring additional police officers.

CQ5: Making parents legally liable when their children who are 18 or younger, commit crimes.

CQ6: Building more prisons.

Now we would like to ask you about your views concerning the use of alternative sentencing guidelines for non-violent offenders in Maryland.

CQ7: Do you think non-violent offenders should serve their entire sentence regardless of how the behave in prison or do you think they should be given time off for good behavior?

CQ8: Do you think judges should have some discretion in setting sentences for non-violent offenders or do you think the law should dictate exactly what the sentence should be?

CQ9: Do you think the state of Maryland should use capital punishment more often?

From this list of hypothetical situations, please indicate if you think the offender should receive a prison sentence or an alternative sentence. To begin, we would like to know your opinion about first time offenders.

CQ10: If a drug addict sells $20 worth of cocaine to an undercover police officer and this is the first offense. Should this person receive a prison sentence or an alternative sentence?

CQ11: If a drug addict sells $2,000 worth of cocaine to an undercover police officer and this is the first offense. Should this person receive a prison sentence or an alternative sentence?

CQ12: If a person sells $20 worth of cocaine to high school students and this is the first offense. Should this person receive a prison sentence or an alternative sentence?

Now we would like to ask about second time offenders who commit crimes within three years of their first conviction.

CQ13: If a drug addict sells $20 worth of cocaine to an undercover police officer and this is the second offense. Should this person receive a prison sentence or an alternative sentence?

<u>Supplement #4 of 5:</u>

Please indicate if you think the offender should receive a prison sentence or an alternative sentence.

DQ1: If a man, after drinking heavily, beats his wife but she has no permanent injury, and this is the first offense, should the offender receive a prison sentence or an alternative sentence?

DQ2: If a man stalks and rapes a college student, and this is the first offense, should the offender receive a prison sentence or an alternative sentence?

DQ3: If an adult male commits statutory rape by having a sexual relationship with a 15 year old girl, and this is his first offense. Should he receive a prison sentence or an alternative sentence?

DQ4: If a man fondles his adult step-daughter without her consent and this is the first offense, should he receive a prison sentence or an alternative sentence?

DQ5: If a person shoots but does not kill a store owner during a robbery and this is the first offense, should the offender receive a prison sentence or an alternative sentence?

DQ6: If an unarmed burglar breaks into an empty store and steals $2,000 worth of stereo equipment and this is the first offense, should the offender receive a prison sentence or an alternative sentence?

DQ7: If an armed burglar breaks into an empty store and steals $2,000 worth of stereo equipment and this is the first offense, should the offender receive a prison sentence or an alternative sentence?

DQ8: If a person steals a car for a joyride, but does not damage it and this is the first offense, should the offender receive a prison sentence or an alternative sentence?

DQ9: If an accountant embezzles $200,000 and this is the first offense, should the offender receive a prison sentence or an alternative sentence?

DQ10: If a person shoplifts $300 worth of clothing and this is the second offense, should the offender receive a prison sentence or an alternative sentence?

DQ11: If an unarmed drug addict breaks into an empty store and steals $2,000 worth of stereo equipment to pay for their drug habit and this is the second offense, should the offender receive a prison sentence or an alternative sentence?

DQ12: If a woman is arrested for driving with a suspended license one year after being convicted of drunk driving and this is her second offense, should she receive a prison sentence or an alternative sentence?

DQ13: If a man, after drinking heavily, beats his wife but she has no permanent injury and she does not want him to go to prison, and this is his third offense, should he receive a prison sentence or an alternative sentence?

DQ14: If a person shoplifts $300 worth of clothing but has a steady job and three young children and this is the third offense, should the offender receive a prison sentence or an alternative sentence?

Supplement #5 of 5:
Now we would like to ask you about things that may contribute to causing crime.

EQ1: How important do you think the breakdown of the family is as a cause of crime? (Very important, somewhat important, not that important, not at all important.)

EQ2: How important do you think children not knowing the difference between right and wrong is as a cause of crime?

EQ3: How important do you think lack of training about morals and values is as a cause of crime?

EQ4: How important do you think lack of education is as a cause of crime?

EQ5: How important do you think schools that do not provide a safe and productive learning environment are as a cause of crime?

EQ6: How important do you think poverty is as a cause of crime?

EQ7: How important do you think unemployment is as a cause of crime?

EQ8: How important do you think judges who are too lenient are as a cause of crime?

EQ9: How important do you think not having enough prison space is as a cause of crime?

EQ10: How important do you think not having enough police is as a cause of crime?

EQ11: How important do you think society not placing enough emphasis on obeying the law is as a cause of crime?

EQ12: How important do you think illegal drug use is as a cause of crime?

EQ13: How important do you think abuse of alcohol is as a cause of crime?

EQ14: In general, at what age do you think juveniles who commit violent crimes like armed robbery should receive the same sentence as adults? (Never, before age 10, exact age between 10 and 21)

EQ15: For every 10 drug addicts who complete a drug treatment program, how many do you think are successfully rehabilitated?

EQ16: For every 10 alcoholics who complete an alcohol treatment program, how many do you think are successfully rehabilitated?

EQ17: For every 10 offenders who go to prison, how many do you think are successfully rehabilitated?

APPENDIX F

Structured Sentencing Simulation (SSS) Model

The Structured Sentencing Simulation model was developed by Kay A. Knapp, Ronald E. Anderson and Sid Schipper. The model was developed to assess the impact of sentencing reforms on prison and jail populations as well as correctional populations supervised in the community (e.g., residential treatment, community service, home detention, probation).[1] It has the capacity to project correctional populations five years into the future. The Commission has utilized the model primarily to provide estimates of proposed policy changes on prison and jail bedspace needs (and by extension, correctional costs).

The SSS Model is currently being employed in at least two other states that have implemented structured sentencing systems (Minnesota and North Carolina). The model has been used successfully to forecast prison populations in these states for many years. The Commission selected the SSS model because it was designed for use in states that have adopted sentencing guidelines systems. In contrast to many other simulation models, it is well-suited to model the impact of policies that target changes to the sentencing guidelines system. The model is currently being updated by Professor Ronald E. Anderson at the University of Maryland for use in a Microsoft Windows operating system environment.

The SSS model is a deterministic model that tracks the progress of *sentenced* offenders as they enter and exit (and re-enter) components of the corrections system over time (i.e., jail, prison, probation, correctional options program). The model simulates "flows" of sentenced

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[1]ANDERSON, R. E. (1983) "Development of a Structured Sentencing Simulation." Social Science Computer Review, 11(2):166-178.

offenders through the correctional system and captures the accumulation of sentenced offenders in the "stock" prison population. The model may be characterized as a stock and flow generator.[2]

The model is considered a "microsimulation" model because it utilizes individual-level data (e.g., age, sex, race, prior record, offense seriousness, sentence outcome) and processes sentenced offenders on an individual basis. The unit of analysis is a sentenced offender disaggregated by offense (e.g., offense seriousness) and offender characteristics (offender criminal history, age, sex, race, county). The model employs the following microsimulation techniques: (1) microdata input; (2) cell-based submodels; (3) dynamic and static aging; (4) dynamic transition models; (5) discrete time slicing; and (6) disaggregation for output distributions.[3]

Data Components. Three forms of data are required by the model: (1) individual-level data on a sample of sentenced offenders; (2) aggregate-level probabilities such as the probability of incarceration, the probability of parole revocation, or the probability of placement in a particular intermediate sanction program (aggregated by cell of the sentencing matrix); and (3) data related to the existing "stock" prison population. Model outcomes are largely determined by the cell-based probabilities (e.g., the probability of incarceration) and the durations specified in the micro data input file (e.g., expected length of stay in prison, expected length of probation term).[4] In some respects, the model functions as a calculator by combining cell-based

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[2]RHODES, W. (June, 1990). "Models of the Criminal Justice System: A Review of Existing Impact Models." Unpublished manuscript.

[3]ANDERSON, 1993:167.

[4]ANDERSON, 1993:168.

probabilities of movement through the corrections system with the length of stay within each component.[5]

Individual-Level Data. Individual-level data on a sample of sentenced offenders are considered "micro data input." Micro data input consist of attributes of the offense and imposed sentence as well as attributes of the offender. Attributes of the offense and imposed sentence include, for example, length of prison or jail sentence, length of probation term, sentencing matrix table (person, property, drug), and sentencing matrix cell. Attributes related to the offender include demographic/offense characteristics such as prior record, sex, age, race, offense type, and region of the state.

Microdata input related to the imposed sentence (particularly sentence length) is critical to the simulation output. Note that sentence length in the model is synonymous with percentage of sentence served (or length of stay). The sentence length variable may be manipulated at the individual level to assess the impact of policies where percentage of sentence served is expected to change (e.g., truth in sentencing policies). The addition of demographic variables allows the user to assess the impact of proposed policies on demographic subgroups. Disaggregation by demographic attributes, however, does not otherwise affect model output.[6]

Cell-based Probabilities. Cell-based probabilities (i.e., cells of the sentencing matrices) *structure* movement of the sample through the corrections system and are also critical to model output.[7] Cell-based probabilities include the probability of imprisonment (prison or jail), the

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[5]RHODES, 1990.

[6]RHODES, W, 1990:36.

[7]ANDERSON, 1993:171.

probability of parole revocation, the probability of supervision revocation, the probability of placement in an intermediate sanction program. Manipulation of cell-based probabilities allows the user to forecast the impact of policy changes such as presumptive sentencing policies or the implementation of intermediate sanctions programs (throughout a sentencing matrix or within particular cells of a sentencing matrix). Note that while most probabilities must be specified at the cell level, some are specified for the entire population.

"Stock" Prison Population. The SSS model also incorporates the existing prison "stock" population. Three means of representing a stock population are available in the SSS model: (1) a micro data file containing release data on the stock prison population; (2) stock tables containing the stock population broken down by offense and offender attributes by estimated month of release; and (3) a *simulated* stock population based on a sample of sentenced offenders.[8]

Commission Data Sources. The Commission created a micro data input data file using the Administrative Office of the Court (AOC) database which compiles circuit court sentence outcomes. The AOC database contains each of the requisite SSS model data fields. The Commission's micro data input file is intended to represent the population of persons sentenced in circuit court during the most recent calendar year (1995). The AOC database was also used to calculate cell-based probabilities using five years of past sentencing data (1991-1995). In order to model the prison "stock" population, the Commission would have had to rely on the option which *simulated* the stock population (due to data availability constraints). Since the *simulation*

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[8]STRUCTURED SENTENCING SIMULATION MODEL, USER'S MANUAL. (April, 1988). Unpublished manuscript.

of the stock population assumed the instantaneous implementation of a prospective policy change (i.e., the policy change affected the stock population as well as newly sentenced offenders), the Commission opted not to model the existing prison stock population.

SSS Model Output. The SSS model yields a five-year prison population projection (as well as probation, jail (by county), and intermediate sanctions projections). With regard to the prison population, for example, it provides the user with the annual average prison population each year as well as with monthly counts of the prison population over the five-year period. The composition of the corrections populations may be examined by demographic characteristics such as age, race, sex, jurisdiction, and offense seriousness.

Examples of Commission Use of the SSS Model. The Commission has used the SSS program to estimate the prison bedspace impact of a variety of policy changes. For example, the Commission explored the impact of 85% federally-defined, truth-in-sentencing policies on the prison population. To that end, the Commission compared a "baseline" prison population estimate to the expected prison population if offenders convicted of the most, serious violent crimes were required to serve 85% of the judicially imposed sentence. The SSS model was ideally-suited to address this question because it allowed investigators to manipulate the percentage of sentence served for offenders convicted of target offenses only.

The SSS model was also used to examine the bedspace savings associated with implementation of a statewide system of intermediate sanctions programs. In order to assess the impact of such a system, persons who fell in particular cells of the sentencing guidelines matrix designated as "intermediate sanctions" cells were required to participate in an intermediate sanction program rather than serve a prison or probation term. The proportion of persons within

each "intermediate sanctions" cell who were diverted to intermediate sanctions programs was varied systematically. The results of each scenario was compared to a "baseline" model.

	PERSON OFFENSES **MINIMUM PAROLE ELIGIBILITY=50%, 60%, 70%** *Offender Score*							
	0	1	2	3	4	5	6	7+
1 **IQ** 50% 60% 70%	P **P-P** No Change	P **P-4M** No Change	P-3M **P-12M** No Change	3M-1Y **P-12M** No Change	3M-18M **P-18M** P-18M P-17M P-16M	3M-2Y **2M-12M** No Change	6M-2Y **P-2Y** P-2Y P-1.9Y P-1.75Y	1Y-3Y **6M-5Y** 6M-4.9Y 6M-4.8Y 6M-4.3Y
2 **IQ** 50% 60% 70%	P-6M **P-2M** No Change	P-1Y **P-6M** No Change	P-18M **P-12M** No Change	3M-2Y **P-18M** P-18M P-17M P-16M	6M-3Y **3M-2.25Y** 3M-2.25Y 3M-2.2Y 3M-1.9Y	1Y-5Y **6M-3Y** 6M-2.9Y 6M-2.9Y 6M-2.6Y	18M-5Y **9M-3Y** 9M-2.9Y 9M-2.9Y 9M-2.6Y	3Y-8Y **18M-7Y** 18M-6.9Y 17M-6.75Y 16M-6.1Y
3 **IQ** 50% 60% 70%	P-2Y **P-8M** No Change	P-2Y **P-1Y** No Change	6M-3Y **1M-18M** 1M-18M 1M-17M 1M-16M	1Y-5Y **1M-18M** 1M-18M 1M-17M 1M-16M	2Y-5Y **3M-3Y** 3M-2.9Y 3M-2.9Y 3M-2.6Y	3Y-7Y **6M-4Y** 6M-3.9Y 6M-3.8Y 6M-3.5Y	4Y-8Y **1Y-5Y** 1Y-4.9Y 1Y-4.8Y 1Y-4.3Y	5Y-10Y **9M-8Y** 9M-7.9Y 9M-7.75Y 9M-7Y
4 **IQ** 50% 60% 70%	P-3Y **P-12M** No Change	6M-4Y **P-2Y** P-2Y P-1.9Y P-1.75Y	1Y-5Y **2M-2Y** 2M-2Y 2M-1.9Y 2M-1.75Y	2Y-5Y **2M-3Y** 2M-2.9Y 2M-2.9Y 2M-2.6Y	3Y-7Y **1Y-5Y** 1Y-4.9Y 1Y-4.8Y 1Y-4.3Y	4Y-8Y **2Y-7Y** 2Y-6.9Y 1.9Y-6.75Y 1.75Y-6.1Y	5Y-10Y **2Y-9Y** 2Y-8.8Y 1.9Y-8.7Y 1.75Y-7.8Y	5Y-12Y **3Y-10Y** 2.9Y-9.8Y 2.9Y-9.7Y 2.6Y-8.75Y
5 **IQ** 50% 60% 70%	3M-4Y **P-2Y** P-2Y P-1.9Y P-1.75Y	6M-5Y **P-3Y** P-2.9Y P-2.9Y P-2.6Y	1Y-6Y **6M-3Y** 6M-2.9Y 6M-2.9Y 6M-2.6Y	2Y-7Y **6M-5Y** 6M-4.9Y 6M-4.8Y 6M-4.3Y	3Y-8Y **18M-6Y** 18M-5.9Y 17M-5.8Y 16M-5.25Y	4Y-10Y **18M-7Y** 18M-6.9Y 17M-6.75Y 16M-6.1Y	6Y-12Y **3Y-8Y** 2.9Y-7.9Y 2.9Y-7.75Y 2.6Y-7Y	8Y-15Y **5Y-10Y** 4.9Y-9.8Y 4.8Y-9.7Y 4.3Y-8.75Y
6 **IQ** 50% 60% 70%	1Y-6Y **P-3Y** P-2.9Y P-2.9Y P-2.6Y	2Y-7Y **7M-5Y** 7M-4.9Y 7M-4.8Y 7M-4.3Y	3Y-8Y **18M-6Y** 18M-5.9Y 17M-5.8Y 16M-5.25Y	4Y-9Y **18M-7Y** 18M-6.9Y 17M-6.75Y 16M-6.1Y	5Y-10Y **3Y-10Y** 2.9Y-9.8Y 2.9Y-9.7Y 2.6Y-8.75Y	7Y-12Y **3Y-12Y** 2.9Y-11.8Y 2.9Y-11.6Y 2.6Y-10.5Y	8Y-13Y **5Y-11.5Y** 4.9Y-11.3Y 4.8Y-11.1Y 4.3Y-10.1Y	10Y-20Y **5Y-12Y** 4.9Y-11.8Y 4.8Y-11.6Y 4.3Y-10.5Y

PERSON OFFENSES
MINIMUM PAROLE ELIGIBILITY=50%, 60%, 70%
Offender Score

	0	1	2	3	4	5	6	7+
7	3Y-8Y	4Y-9Y	5Y-10Y	6Y-12Y	7Y-13Y	9Y-14Y	10Y-15Y	12Y-20Y
IQ	**1Y-5Y**	**18M-7Y**	**2.5Y-8Y**	**3Y-10Y**	**5Y-10Y**	**5Y-15Y**	**7.75Y-18Y**	**10Y-20Y**
50%	1Y-4.9Y	18M-6.9Y	2.5Y-7.9Y	2.9Y-9.8Y	4.9Y-9.8Y	4.9Y-14.8Y	7.7Y-17.75Y	9.8Y-19.75Y
60%	1Y-4.8Y	17M-6.75Y	2.4Y-7.75Y	2.9Y-9.7Y	4.8Y-9.7Y	4.8Y-14.5Y	7.5Y-17.4Y	9.7Y-19.3Y
70%	1Y-4.3Y	16M-6.1Y	2.2Y-7Y	2.6Y-8.75Y	4.3Y-8.75Y	4.3Y-13.1Y	6.75-15.75Y	8.75Y-17.5Y
8	4Y-9Y	5Y-10Y	5Y-12Y	7Y-13Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-25Y
IQ	**6M-5.5Y**	**2Y-10Y**	**18M-10Y**	**2.5Y-10Y**	**5Y-11Y**	**6Y-16Y**	**8Y-20Y**	**12Y-33Y**
50%	6M-5.4Y	2Y-9.8Y	18M-9.8Y	2.5Y-9.8Y	4.9Y-10.8Y	5.9Y-15.75Y	7.9Y-19.75Y	11.8Y-32.6Y
60%	6M-5.3Y	1.9Y-9.7Y	17M-9.7Y	2.4Y-9.7Y	4.8Y-10.7Y	5.8Y-15.4Y	7.75Y-19.3Y	11.6Y-31.8Y
70%	6M-4.8Y	1.75Y-8.75Y	16M-8.75Y	2.2Y-8.75Y	4.3Y-9.6Y	5.25Y-14Y	7Y-17.5Y	10.5Y-28.8Y
9	5Y-10Y	7Y-13Y	8Y-15Y	10Y-15Y	12Y-18Y	15Y-25Y	18Y-30Y	20Y-30Y
IQ	**18M-8Y**	**3Y-13Y**	**4Y-10Y**	**5.5Y-15Y**	**6Y-15Y**	**10Y-20Y**	**10Y-20Y**	**10Y-25Y**
50%	18M-7.9Y	2.9Y-12.8Y	3.9Y-9.8Y	5.4Y-14.8Y	5.9Y-14.8Y	9.8Y-19.75Y	9.8Y-19.75Y	9.8Y-24.7Y
60%	17M-7.75Y	2.9Y-12.6Y	3.8Y-9.7Y	5.3Y-14.5Y	5.8Y-14.5Y	9.7Y-19.3Y	9.7Y-19.3Y	9.7Y-24.2Y
70%	16M-7Y	2.6Y-11.3Y	3.5Y-8.75Y	4.8Y-13.1Y	5.25Y-13.1Y	8.75Y-17.5Y	8.75Y-17.5Y	8.75Y-21.8Y
10	10Y-18Y	10Y-21Y	12Y-25Y	15Y-25Y	15Y-30Y	18Y-30Y	20Y-35Y	20Y-L
IQ	**18M-10Y**	**5Y-20Y**	**4Y-15Y**	**5Y-15Y**	**7Y-21Y**	**19Y-45Y**	**20Y-32.5Y**	**15Y-40Y**
50%	18M-9.8Y	4.9-19.75Y	3.9Y-14.8Y	4.9Y-14.8Y	6.9Y-20.75Y	18.75-44.4Y	19.75-32.1Y	14.8Y-39.5Y
60%	17M-9.7Y	4.8Y-19.3Y	3.8Y-14.5Y	4.8Y-14.5Y	6.75Y-20Y	18.3Y-43.5Y	19.3Y-31.4Y	14.5Y-38.7Y
70%	16M-8.75Y	4.3Y-17.5Y	3.5Y-13.1Y	4.3Y-13.1Y	6.1Y-18.3Y	16.6Y-39.3Y	17.5Y-28.4Y	13.1Y-34.9Y
11	12Y-20Y	15Y-25Y	18Y-25Y	20Y-30Y	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L
IQ	**6Y-25Y**	**15Y-25Y**	**10Y-26Y**	**12Y-30Y**	**10Y-30Y**	**22.5Y-55Y**	**15Y-40Y**	**18Y-45Y**
50%	5.9Y-24.7Y	14.8-24.7Y	9.8Y-25.7Y	11.8Y-29.6Y	9.8Y-29.6Y	22.2-54.25Y	14.8Y-39.5Y	17.75-44.4Y
60%	5.8Y-24.2Y	14.5-24.2Y	9.7Y-25.1Y	11.6Y-29Y	9.7Y-29Y	21.75-53.1Y	14.5Y-38.7Y	17.4Y-43.5Y
70%	5.25-21.8Y	13.1-21.8Y	8.75-22.75Y	10.5-26.25Y	8.75-26.25Y	19.7Y-48.1Y	13.1Y-34.9Y	15.75-39.3Y
12	15Y-25Y	18Y-25Y	18Y-30Y	20Y-35Y	20Y-35Y	25Y-40Y	25Y-L	25Y-L
IQ	**12Y-25Y**	**15Y-30Y**	**12Y-30Y**	**15Y-30Y**	**15Y-30Y**	**20Y-45Y**	**25Y-53Y**	**20Y-50Y**
50%	11.8-24.7Y	14.8-29.6Y	11.8-29.6Y	14.8-29.6Y	14.8-29.6Y	19.75-44.4Y	24.7-52.3Y	19.75-49.3Y
60%	11.6-24.2Y	14.5Y-29Y	11.6Y-29Y	14.5-29Y	14.5-29Y	19.3-43.5Y	24.2-51.2Y	19.3-48.3Y
70%	10.5-21.8Y	13.1-26.25Y	10.5-26.25Y	13.1-26.25Y	13.1-26.25Y	17.5-39.3Y	21.8-46.3Y	17.5-43.7Y

	PERSON OFFENSES MINIMUM PAROLE ELIGIBILITY=50%, 60%, 70% *Offender Score*							
	0	1	2	3	4	5	6	7+
13 **IQ**	20Y-30Y **20Y-60Y**	25Y-35Y **35Y-60Y**	25Y-40Y **20Y-60Y**	25Y-L **50Y-60Y**	25Y-L **60Y-60Y**	30Y-L **35Y-L**	L **60Y-L**	L **60Y-L**
50% 60% 70%	19.75-59.25Y 19.3-57.9Y 17.5-52.4Y	34.5-59.25Y 33.8-57.9Y 30.6-52.4Y	19.75-59.25 19.3-57.9Y 17.5-52.4Y	49.3-59.25Y 48.3-57.9Y 43.7-52.4Y	59.25-59.25 57.9-57.9Y 52.4-52.4Y	34.5Y-L 33.8Y-L 30.6Y-L	59.25Y-L 57.9Y-L 52.4Y-L	59.25Y-L 57.9Y-L 52.4Y-L
14 **IQ**	20Y-L **30Y-L**	25Y-L **30Y-L**	28Y-L **40Y-L**	30Y-L **35Y-L**	L **60Y-L**	L **60Y-L**	L **60Y-L**	L **60Y-L**
50% 60% 70%	29.6-L 29-L 26.25-L	29.6-L 29-L 26.25-L	39.5-L 38.7-L 34.9-L	34.5-L 33.8-L 30.6-L	59.25Y-L 57.9Y-L 52.4Y-L	59.25Y-L 57.9Y-L 52.4Y-L	59.25Y-L 57.9Y-L 52.4Y-L	59.25Y-L 57.9Y-L 52.4Y-L
15 **IQ**	25Y-L **50Y-L**	30Y-L **60Y-L**	35Y-L **50Y-L**	L **L-L**	L --	L --	L --	L **60Y-L**
50% 60% 70%	49.3-L 48.3-L 43.7-L	59.25-L 57.9-L 52.4-L	49.3-L 48.3-L 43.7-L	L-L L-L L-L				59.25Y-L 57.9Y-L 52.4Y-L

	DRUG OFFENSES MINIMUM PAROLE ELIGIBILITY – 50%, 60%, 70% *Offender Score*							
Offense Score	0	1	2	3	4	5	6	7+
VII **IQ** 50% 60% 70%	P **P-P** No Change	P **P-1M** No Change	P **P-2M** No Change	P-1M **P-3M** No Change	P-3M **P-5M** No Change	P-6M **P-9M** No Change	3M-6M **P-6M** No Change	6M-12M **1M-12M** No Change
V **IQ** 50% 60% 70%	P-6M **P-2M** No Change	P-12M **P-6M** No Change	3M-12M **P-12M** No Change	6M-18M **P-14M** P-12M P-11M P-10M	1Y-2Y **P-2Y** P-1.75Y P-1.7Y P-1.5Y	1.5Y-2.5Y **2M-2Y** 2M-1.75Y 2M-1.7Y 2M-1.5Y	2Y-3Y **6M-3Y** 6M-2.7Y 6M-2.4Y 6M-2.25Y	3Y-4Y **18M-4Y** 1.3-3.5Y 1.25-3.25Y 1.1Y-3Y
IV **IQ** 50% 60% 70%	P-12M **P-4M** No Change	P-18M **P-8M** No Change	6M-18M **P-12M** No Change	1Y-2Y **P-18M** P-16M P-15M P-13M	1.5Y-2.5Y **3M-2Y** 3M-1.75Y 3M-1.7Y 3M-1.5Y	2Y-3Y **1M-2Y** 1M-1.75Y 1M-1.7Y 1M-1.5Y	3Y-4Y **6M-4Y** 6M-3.5Y 6M-3.25Y 6M-3Y	3.5Y-5Y **7M-4Y** 7M-3.5Y 7M-3.25Y 7M-3Y
III* **IQ** 50% 60% 70%	6M-3Y **P-12M** No Change	1Y-3Y **P-18M** P-16M P-15M P-13M	18M-4Y **1M-2Y** 1M-1.75M 1M-1.7M 1M-1.5M	3Y-7Y **6M-4Y** 6M-3.5Y 6M-3.25Y 6M-3Y	4Y-8Y **1Y-5Y** 1Y-4.4Y 1Y-4.1Y 1Y-3.75Y	5Y-10Y **18M-6Y** 1.3Y-5.3Y 1.25Y-4.9Y 1.1Y-4.5Y	7Y-14Y **2Y-7Y** 1.75-6.2Y 1.7-5.75Y 1.5-5.25Y	12Y-20Y **3Y-10Y** 2.7-8.8Y 2.4-8.2Y 2.25-7.5Y
III** **IQ** 50% 60% 70%	1Y-4Y **1Y-5Y** 1Y-4.4Y 1Y-4.1Y 1Y-3.75Y	2Y-5Y **20M-6Y** 1.5Y-5.3Y 1.3Y-4.9Y 1.25Y-4.5Y	3Y-6Y **2Y-5Y** 1.75Y-4.4Y 1.7Y-4.1Y 1.5Y-3.75Y	4Y-7Y **3Y-10Y** 2.7Y-8.8Y 2.4Y-8.2Y 2.25Y-7.5Y	5Y-8Y **4Y-7.5Y** 3.5Y-6.6Y 3.25Y-6.1Y 3Y-5.6Y	6Y-10Y **5Y-10Y** 4.4Y-8.8Y 4.1Y-8.2Y 3.75Y-7.5Y	8Y-15Y **5Y-10Y** 4.4Y-8.8Y 4.1Y-8.2Y 3.75-7.5Y	15Y-25Y **10Y-20Y** 8.8-17.7Y 8.2-16.3Y 7.5Y-15Y

* Except Importation

** Importation

	PROPERTY OFFENSES **MINIMUM PAROLE ELIGIBILITY – 50%, 60%, 70%** *Offender Score*							
Offense Score	0	1	2	3	4	5	6	7+
VII **IQ** 50% 60% 70%	P-1M **P-P** No Change	P-3M **P-3M** No Change	3M-9M **P-7M** No Change	6M-1Y **P-12M** No Change	9M-18M **P-18M** P-17M P-17M P-16M	1Y-2Y **2M-18M** 2M-17M 2M-17M 2M-16M	1Y-3Y **1M-18M** 1M-17M 1M-17M 1M-16M	3Y-5Y **6M-18M** 6M-17M 6M-17M 6M-16M
VI **IQ** 50% 60% 70%	P-3M **P-P** No Change	P-6M **P-6M** No Change	3M-1Y **P-3M** No Change	6M-2Y **P-3M** No Change	1Y-3Y **P-15M** P-14M P-14M P-14M	2Y-5Y **6M-12M** No Change	3Y-6Y **P-4Y** P-3.8Y P-3.75Y P-3.7Y	5Y-10Y **P-2Y** P-1.9Y P-1.9Y P-1.8Y
V **IQ** 50% 60% 70%	P-6M **P-3M** No Change	P-1Y **P-7M** No Change	3M-2Y **P-15M** P-14M P-14M P-14M	1Y-3Y **P-2Y** P-1.9Y P-1.9Y P-1.8Y	18M-5Y **5M-3Y** 5M-2.9Y 5M-2.8Y 5M-2.75Y	3Y-7Y **9M-5Y** 9M-4.8Y 9M-4.75Y 9M-4.6Y	4Y-8Y **1Y-5Y** 1Y-4.8Y 1Y-4.75Y 1Y-4.6Y	8Y-15Y **18M-10Y** 1.4-9.7Y 1.4-9.4Y 1.3-9.25Y
IV **IQ** 50% 60% 70%	P-1Y **P-6M** No Change	3M-2Y **P-18M** P-17M P-17M P-16M	6M-3Y **4M-2Y** 4M-1.9Y 4M-1.9Y 4M-1.8Y	1Y-4Y **5M-2.5Y** 5M-2.4Y 5M-2.3Y 5M-2.3Y	18M-7Y **1Y-4Y** 1Y-3.8Y 1Y-3.75Y 1Y-3.7Y	3Y-8Y **15M-5Y** 1.25Y-4.8Y 1.25-4.75Y 1.25Y-4.6Y	5Y-12Y **30M-10Y** 2.4Y-9.7Y 2.3Y-9.4Y 2.3-9.25Y	10Y-20Y **5Y-10Y** 4.8-9.7Y 4.75-9.4Y 4.6-9.25Y
III **IQ** 50% 60% 70%	P-2Y **P-1Y** No Change	6M-3Y **P-18M** P-17M P-17M P-16M	9M-5Y **2M-4Y** 2M-3.8Y 2M-3.75Y 2M-3.7Y	1Y-5Y **3M-20M** 3M-1.6Y 3M-1.6Y 3M-1.5Y	2Y-8Y **10M-5Y** 10M-4.8Y 10M-4.75Y 10M-4.6Y	3Y-10Y **1Y-10Y** 1Y-9.7Y 1Y-9.4Y 1Y-9.25Y	7Y-15Y **6M-6Y** 6M-5.8Y 6M-5.7Y 6M-5.5Y	15Y-3OY **9Y-23Y** 8.7-22.25Y 8.5-21.75Y 8.25-21.2Y
II **IQ** 50% 60% 70%	2Y-5Y None	3Y-7Y None	5Y-8Y None	5Y-10Y None	8Y-15Y None	10Y-18Y None	12Y-20Y None	15Y-40Y None

APPENDIX H

PROPOSED SENTENCING MATRIX FOR DRUG OFFENSES
September 13, 1994

OFFENDER SCORE

OFFENSE SERIOUSNESS CATEGORY	0	1	2	3	4	5	6	7 or more
VII	P-P	P-1M	P-1M	P-2M	P-3M	P-6M	3M-6M	6M-1Y
V	P-1M	P-6M	P-7M	P-1Y	P-1Y	3M-2Y	6M-3Y	1Y-4Y
IV	P-2M	P-6M	P-7M	P-1Y	3M-2Y	6M-3Y	6M-4Y	18M-5Y
III UNDER $500 EXCEPT IMPORTATION	P-7M	P-1Y	P-18M	6M-5Y	1Y-8Y	1Y-10Y	3Y-10Y	7Y-20Y
III OVER $500 EXCEPT IMPORTATION	6M-3Y	1Y-3Y	18M-4Y	3Y-7Y	4Y-8Y	5Y-10Y	7Y-14Y	12Y-20Y
III IMPORTATION	6M-5Y	1Y-5Y	3Y-6Y	4Y-7Y	5Y-8Y	6Y-10Y	8Y-15Y	15Y-25Y

P = Probation M = Months Y = Years

Recommended Revisions to Components of the Offender and Offense Score

I. *OFFENDER SCORE*

1a. Current Juvenile Delinquency Component*:

0= Not More Than One Finding of Delinquency or over age 25
1= Two or More Findings, No or One Commitment
2= Two or More Commitments

* Findings of delinquency are counted the same as convictions would be for an adult; that is, there may be more than one as part of a single event. Commitments refer to the court's assignment of a juvenile to a correctional facility, large or small. Suspended juvenile commitments should be counted as findings of delinquency.

An incarcerable traffic offense in which the court finds a juvenile involved should be treated as part of his or her juvenile record.

If the offender was 26 or older at the time of the instant offense, any juvenile record should be excluded from consideration. An offender who had reached his 26th birthday by the date of the offense will be scored "0" whether or not he had a juvenile record.

1b. Recommended Revision to Juvenile Delinquency Component:

0=	Offender is 23 years or older	OR
	Crime free for five years since last adjudication	OR
	No more than one finding of delinquency	
1=	Offender is younger than 23 years old	AND
	Two or more findings of delinquency	
	No or One Commitment	
2=	Offender is younger than 23 years old	AND
	Two or more Commitments	

Note due to the limited availability of data documenting the seriousness of juvenile offenses, the Commission will continue to use juvenile commitments as a proxy for juvenile offense seriousness. The Commission voted to support the prospective collection of data detailing the seriousness of juvenile offenses statewide.

II. *OFFENSE SCORE*

1a. Current Victim Injury*:

0= No Injury
1= Injury, Non-Permanent
2= Permanent Injury or Death

* Victim Injury may be physical or mental. The latter must be based on confirmed medical diagnosis or psychological treatment. For guidelines purposes, mental injury is always to be considered non-permanent. In a multiple offense case, injury points are given only for the offense or offenses where a victim was injured.

1b. Recommended Revision to Victim Injury**:

0= No Injury
1= Injury, Not Permanent
2= Permanent Injury or Death

** Cause of physical or mental injury is directly linked to conduct of the defendant in the commission of the conviction offense. The injury, whether mental or physical, must be based on demonstrable proof. For example, in the case of mental or emotional trauma the injury must be based on confirmed medical diagnosis or psychological treatment. Mental or emotional injury is presumed not permanent unless otherwise demonstrated. Physical injury must be more than de minimus. Such injuries as lasting muscle damage or amputation are permanent.

2a. Current Special Vulnerability of Victim*:

0= No 1= Yes

* This item is designed to cover cases in which the relative helplessness of the victim tends to render the actions of the perpetrator all the more brutal or sadistic. An especially vulnerable victim is anyone 10 years of age or less, 60 years of age or more, or physically or mentally handicapped. The handicap may be temporary or permanent.

2b. Recommended Revision to Special Vulnerability of Victim**:

0= No 1= Yes

** This item is designed to cover cases in which the relative helplessness of the victim tends to render the actions of the perpetrator all the more brutal or sadistic. An especially vulnerable victim is anyone 10 years of age or less, 65 years of age or more, or physically or mentally handicapped. The handicap may be temporary or permanent.

APPENDIX J

An Examination of Time-to-Serve in the Maryland State Correctional System

Report to

The Maryland Commission on Criminal Sentencing Policy
50 Maryland Avenue
Rockville, Maryland 20850

by

Charles Wellford
Claire Souryal

February 4, 1998

University of Maryland
Department of Criminology and Criminal Justice
2220 LeFrak Hall
College Park, MD 20740

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An Examination of Time-to-Serve in the Maryland State Correctional System[1]

1. *Introduction*

Judicially imposed terms of incarceration and the actual amount of time that persons serve in prison/jail are not synonymous due to parole release and the accrual of good time credits. The actual amount of time that persons typically serve for a given sentence is therefore often unknown.

Available data (aggregated at the national level) suggest that individuals serve less than one-half of their imposed sentence on average. The Bureau of Justice Statistics (BJS) calculated the actual amount of time that individuals *released* from State prisons during calendar year 1994 served.[2] The BJS examination revealed that such individuals served 41% of their imposed sentence on average (Langan & Brown, 1997:9). This percentage varied by crime category. Persons convicted of violent offenses (excluding life or death sentences) served 46% of their sentence on average, whereas persons convicted of property offenses served 41% of their sentence on average and persons convicted of drug offenses served 36% of their sentence on average (Langan & Brown, 1997:9).

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[1]The research reported here was conducted for the Maryland Commission on Criminal Sentencing Policy. The Commission is not responsible for any of the results or interpretations.

[2]Note that the use of an exit cohort in calculating time-served (e.g., all persons released during calendar year 1994) may underestimate time-served if sentence lengths are increasing or if the number of new prison intakes is increasing (Lynch & Sabol, 1997:2).

The present study will collect data on the actual amount of time that persons sentenced in Maryland circuit courts serve. To that end, samples of persons convicted of person, drug, and property offenses and sentenced in Maryland circuit courts during calendar year 1993 were selected and followed through the prison system.

2. Sample Selection

Samples of person, drug, and property offenders were randomly selected from the population of persons sentenced in circuit courts during calendar year 1993.[3] Random samples of persons convicted of each crime category (rather than the entire population) were selected due to the time consuming nature of the data collection. The sample of offenders drawn at random from the population of persons sentenced during calendar year 1993 is assumed to be representative of the population of persons sentenced during calendar year 1993.

The primary reasons for selecting calendar year 1993 were two-fold. First, calendar year 1993 was selected to ensure that a sufficient number of individuals would have completed their sentence by the time of data collection (September, 1997). Second, calendar year 1993 was selected to ensure that release practices in place during the course of the study (which clearly affect time-to-serve) would be similar to present-day release practices. However, it should be noted that legislation affecting parole eligibility (Article 41, Section 4-516) was modified *after* the samples were sentenced. The modification effective October 1, 1994 requires persons convicted of violent offenses (as well as burglary and daytime housebreaking) to serve at least

[3]The database consists of all persons convicted of a *single* count in circuit court for whom a sentencing guidelines worksheet was completed.

50% of their sentence before they are considered eligible for parole.

Due to the relatively short time frame of the study, sample selection was limited to individuals who had received sentences of greater than 1 year and less than 10 years of incarceration. Individuals with sentences of 12 months or less were excluded from participation because it is most likely that they would have served their sentence in a local jail, precluding the collection of Department of Public Safety and Correctional Services (DPSCS) data. Individuals with sentences of 120 months or more were also excluded from the sample because it is likely that they would still have been incarcerated at the time of data collection. As a consequence, data collected as part of the present study will *not* generalize to persons who received short sentences to be served in local jails (i.e., 1 year or less) or to persons who received sentences exceeding 10 years.

Time-to-serve will be estimated separately for these two groups. Generally speaking, persons sentenced to serve less than 1 year in a local facility serve a high proportion of the total sentence (e.g., 70% to 75%). Such individuals typically serve the judicially imposed sentence less good time credit. Since they are not eligible for parole release unless they have been sentenced to at least six months, parole release is uncommon (given that the remaining time-to-serve is relatively short).

Due to legislative and procedural changes governing the parole process, time-to-serve for persons sentenced to 10 or more years has been more variable. The Department of Public Safety and Correctional Services (1996) estimated that persons convicted of violent crimes (643B

offenses)[4] who were recently released served 60% of their sentence on average. The percentage of time served was slightly higher (67.8%) for those offenders convicted of rape or sex offenses. The average sentence length for 643B offenses was 13 years.

During calendar year 1993, 6,196 individuals convicted of a single count and sentenced in circuit courts received a sentence involving some period of incarceration (e.g., partial suspension, split-sentence, incarceration only). Nearly one-half (48.3%) of those persons sentenced during calendar year 1993 received sentences involving a period of incarceration of 12 months or less.[5] Another 8% received sentences of 10 or more years. Roughly 44% (N=2,706 persons) received terms of incarceration between 1 and 10 years and were therefore eligible for participation in the study. Roughly one-half of the eligible individuals (N=2,706) had been convicted of drug offenses (53.3%), followed by person offenses (31.5%) and property offenses (15.2%).

Because a separate sentencing guidelines matrix is used for person, property, and drug offenses and because time-to-serve seems to vary by offense category, a sample of individuals convicted of each offense category was selected. A simple random sample of 20% of the individuals who fell within *each* cell of the relevant sentencing guidelines matrix (i.e., person, drug, property) was then selected. The final samples consisted of the following: (1) a sample of N=185 individuals convicted of person offenses; (2) a sample of N=305 individuals convicted of drug offenses; and (3) a sample of N=102 individuals convicted of property offenses.

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[4] Violent (643B) offenses included murder, kidnapping, rape/sex offenses, robbery, assault with intent to rape, rob, or murder, and arson.

[5] Sentence length refers to the *actual* amount of time expected to be served (i.e., sentence imposed less suspended time).

3. Procedure

Data were collected by the Department of Public Safety and Correctional Services, Office of Research and Statistics. The docket number, name, race, sex, date of birth, county, sentencing date, and sentence length recorded in the Sentencing Commission database were submitted to the DPSCS. The DPSCS then searched the Offender-based State Correctional Informational System (OBSCIS I) database for information regarding the target sentence. The number of months an individual was required to serve of their total sentence as well as the method of release (i.e., parole, mandatory release, or court release) were recorded.

Since time-served data for the target sentence may be confounded with time-served resulting from other convictions (e.g., prior or subsequent convictions or parole/probation revocations), the DPSCS also indicated whether individuals were required to serve additional time stemming from prior or subsequent convictions and/or parole or probation revocations.

4. Results

Time-served was defined as the percentage of the *total* imposed sentence that individuals had been required to serve in prison. Importantly, additional time stemming from prior or subsequent convictions and/or parole or probation revocations was taken into account by adding it to the target sentence length. In such instances, the *total* sentence length equaled the sum of the target sentence length and any additional time an individual was required to serve.

The percentage of the total sentence actually served was calculated for each individual (e.g., 12 months served out of a total sentence of 18 months=0.67 or 67%). The individual percentages were then averaged across each sample.

Time-served was also examined as a function of the following factors: (1) "pure" (target sentence only) versus "nonpure" sentence (target sentence plus additional time); (2) release type (parole, mandatory release, court release); (3) offense score (a measure of the seriousness of the offense used in the sentencing guidelines); and (4) offender score (a measure of criminal history used in the sentencing guidelines).

4.1 Person Offenses. A simple random sample of 20% of the individuals who fell within each cell of the person offense sentencing matrix was selected. The original sample consisted of N=185 individuals who had been convicted of person offenses. Three individuals were excluded from the analysis because one person had died during imprisonment and two persons had escaped and then had been reincarcerated. The final sample size therefore consisted of N=182 individuals.

Individuals were most frequently convicted of the following person crimes: (1) robbery (23%); (2) robbery with a deadly weapon (16%); and (3) common law assault (13%). Another 17% of the sample had been convicted of other forms of assault (e.g., assault with intent to maim, murder, rape, or prevent arrest) or other forms of robbery (e.g., attempted, accessory, or conspiracy).

Complete information was available for 123 individuals (67.6%). Time-served data was not collected from the remainder of the sample for the following reasons: (1) twenty-nine (15.9%) individuals had been incarcerated in a local jail (even though the actual sentence exceeded 1 year); (2) twenty-six (14.3%) individuals were still incarcerated at the time of data collection; and (3) four (2.2%) individuals could not be found in the database. The average sentence length of the individuals who had been incarcerated in a local jail was 20 months and

the average sentence length of the individuals who were still incarcerated was 175 months (including additional time).

Roughly 37% of the sample had received additional time stemming from prior or subsequent convictions or parole/probation revocations. The remaining 63% had not received additional time. These cases were considered "pure" cases.

Individuals with complete case information (n=123) served 55% of their imposed sentence on average (see Table 1 and Appendix). The proportion of the total sentence served did not vary by whether the sentence length was "pure" (i.e., additional time was not incurred) or "nonpure" (i.e., additional time stemming from a prior or subsequent conviction was added to the target sentence). "Pure" and "nonpure" cases served 55% and 56% of the imposed term, respectively.

Table 1. Time-served Among Person Offense Sample

	Person Offense Sample, Mean, Median, N=182 N
% Time-Served, Total Sample	55%, Median=57%, N=123
% Time-Served, "Pure" Cases	55%, Median=58%, N=78
% Time-Served, "Nonpure" Cases	56%, Median=55%, N=45
% Time-Served by Release Type:	
Parole	48%, Median=47%, N=40
Mandatory Release	64%, Median=65%, N=71
Court Release	26%, Median=20%, N=11

	Person Offense Sample, Mean, Median,	N=182 N
% Time-Served by Offense Score:		
Low Offense Seriousness Score	53%, Median=53%,	N=62
High Offense Seriousness Score	57%, Median=60%,	N=61
% Time-Served by Offender Score:		
Low Offender Seriousness Score	54%, Median=57%,	N=65
High Offender Seriousness Score	57%, Median=56%,	N=58
% Time-Served by Sentence Length:		
13-41 Months	58%, Median=58%,	N=44
42-60 Months	56%, Median=58%,	N=54
>=61 Months	50%, Median=50%,	N=25

The percentage of time served varied substantially by release mechanism (e.g., parole release, mandatory release, court release[6]) (see Table 1 and Appendix). Nearly 60% of the sample was released by means of mandatory release (57.7%), followed by parole release (32.5%), and court release (8.9%). Persons released by means of mandatory release served the greatest proportion of their sentence (64%). Persons released on parole served 48% of their sentence on average. Persons released by the court served roughly one-quarter of their sentence on average (26%).

Time-served also varied slightly depending on the seriousness of the offense and the prior record of the offender (see Table 1). Offense score was dichotomized into "low" and "high"

[6]Several types of court release exist. First, judges have the opportunity to reconsider a sentence within a 90-day period (Maryland Rules, Rule 4-345). Judges typically suspend the balance of the sentence and place the individual on probation. Sentenced offenders may also apply to have their sentence reviewed by a Review Panel consisting of three judges (Maryland Rules, Rule 4-344). A defendant's appeal may also result in court release.

seriousness.[7] One-half of the sample (50.4%) consisted of individuals with "low" offense seriousness scores. The other half of the sample (49.6%) consisted of individuals with "high" offense seriousness scores. Similarly, the offender score (or prior record summary) was dichotomized into "low" and "high" scores.[8] Roughly one-half of the sample had "low" offender scores (52.8%) and the other half of the sample had "high" offender scores (47.2%).

The results of the offense and offender seriousness examination revealed that persons with "low" offense seriousness scores served 53% of their sentence on average whereas persons with "high" offense seriousness scores served 57% of their sentence on average. Similarly, persons with "low" offender scores served 54% of their sentence on average and persons with "high" offender scores served 57% of their sentence on average.

Time-served was also examined as a function of sentence length. The total sample was subdivided into the following three subsamples based on sentence length: (1) short (13 to 41 months); (2) medium (42 to 60 months); and (3) long (61 months and greater). Approximately, 36% of the sample had short sentences, 44% had medium sentences, and 20% had long sentences. The analysis suggested that individuals with short and medium sentences served roughly the same percentage of their total sentence (58% and 56%, respectively), whereas individuals with long sentences served a slightly smaller percentage (50%).

The difference time-served by sentence length (short, medium, or long) seems to stem in

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[7]"Low" offense seriousness scores consisted of individuals with Offense scores ranging from 1 to 4. Individuals with "High" offense seriousness scores consisted of individuals with Offense scores ranging between 5 and 12.

[8]"Low" offender scores consisted of individuals with scores of between 0 and 3. "High" offender scores consisted of individuals with scores ranging from 4 to 9.

part from the fact that individuals with long sentences are more likely to be released on parole. Individuals released on parole tend to serve a smaller proportion of their sentence than persons released by means of mandatory release. Slightly over one-half of the individuals with long sentences, for example, were released on parole. In comparison, 25% of the persons with short sentences were released on parole and 30% of the persons with medium sentences were released on parole.

4.2 Property Offenses. A simple random sample of 20% of the individuals who fell within each cell of the property offense matrix was selected. The sample consisted of N=102 individuals. Individuals in the sample were most commonly convicted of theft greater than $300 (29%), daytime housebreaking (19%), and storehouse-breaking (28%).

Time-served data was available for slightly over one-half of the sample (52.9%). Twenty individuals (19.6%) served their time in a local jail and 15 (14.7%) could not be located in the database. Another 12 (11.8%) were still incarcerated at the end of the data collection period. The sentence of one individual had been stayed.

Thirty-one (57.4%) of the complete cases were "pure" cases (i.e., the target sentence was not confounded with additional time). The remaining cases (n=23) had additional time added to the target sentence as a result of a subsequent or prior conviction or probation/parole revocation.

Examination of time-served using the total sample revealed that individuals served 55% of the imposed sentence on average (see Table 2 and Appendix). When "pure" cases are distinguished from "nonpure" cases, the "pure" subsample served 53% of the imposed term and the "nonpure" served 58% of the imposed term.

Table 2. *Time-served Among Property Sample.*

	Property Offense Sample, Mean, Median, N=102 N
% Time-Served, Total Sample	55%, Median=56%, N=54
% Time-Served, "Pure" Cases	53%, Median=56%, N=31
% Time-Served, "Nonpure" Cases	58%, Median=56%, N=23
% Time-Served by Release Type:	
Parole	42%, Median=40%, N=9
Mandatory Release	65%, Median=61%, N=37
Court Release	26%, Median=20%, N=8
% Time-Served by Offense Score:	
Low Offense Seriousness Score	53%, Median=54%, N=37
High Offense Seriousness Score	61%, Median=69%, N=17
% Time-Served by Offender Score:	
Low Offender Seriousness Score	51%, Median=56%, N=12
High Offender Seriousness Score	57%, Median=56%, N=42
% Time-Served by Sentence Length:	
13-41 Months	58%, Median=56%, N=27
42-60 Months	49%, Median=54%, N=13
>=61 Months	57%, Median=55%, N=14

Time-served varied by release type (see Table 2). Note that the majority of individuals had been released by means of mandatory release (68.5%). Individuals who were released via mandatory release served 65% of their sentence. Individuals released on parole served 42% of their sentence and individuals released by the court served 26% of their sentence.

Time-served was also examined as a function of offense and offender score (see Table 2). The total sample was divided into individuals with "low" and "high" offense scores and "low"

and "high" offender scores.[9] Individuals with "low" offense scores served 53% of the imposed term and individuals with "high" offense scores served 61% of the imposed term. Similarly, individuals with "low" offender scores served 51% of the imposed term and individuals with "high" offender scores served 57% of the imposed term.

When time-served was examined as a function of sentence length, individuals with short sentences (13-41 months) served 58% of their sentence (see Table 2). Individuals with medium sentences (42-60) served 49% of their sentence and individuals with long sentences (greater than 61 months) served 57% of their sentence.

4.3 Drug Offenses. The sample of drug offenders consisted initially of N=305 individuals. Four individuals were excluded from the study due to two escapes, one duplicate, and one error. The final sample size therefore consisted of N=301 individuals. Sample members were most commonly convicted of distribution of cocaine (59%), distribution of heroin (12%), possession of cocaine (8%), or distribution of marijuana (5%).

Complete information was available for approximately 70% of the cases. Time-served data was unavailable for 30% of the sample for the following reasons: (1) fifteen percent (15%) of the sample had been incarcerated in a local jail; (2) six percent (6%) could not be located; and (3) ten percent (10%) had not yet been released. Sixty percent (60%) of the complete cases were deemed "pure" cases.

Drug offenders served 50% of the imposed sentence on average (see Table 3 and

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[9]The offense seriousness category was used to classify offense seriousness. "Low" offense scores ranged from 5 to 7 and "high" offense scores ranged from 3 to 4. A "low" offender score ranged from 0 to 3 and a "high" offender score ranged from 4 to 9.

Appendix). Drug offenders deemed "pure" cases served a smaller percentage of their sentence (48%) than "nonpure" cases (53%).

Table 3. Time-served Among Drug Offense Sample.

	Drug Offense Sample, Mean, Median,	N=301 N
% Time-Served, Total Sample	50%, Median=51%,	N=210
% Time-Served, "Pure" Cases	48%, Median=50%,	N=126
% Time-Served, "Nonpure" Cases	53%, Median=55%,	N=84
% Time-Served by Release Type:		
Parole	40%, Median=39%,	N=117
Mandatory Release	71%, Median=70%,	N=78
Court Release	19%, Median=17%,	N=15
% Time-Served by Offense Score:		
Low Offense Seriousness Score	49%, Median=46%,	N=34
High Offense Seriousness Score	50%, Median=52%,	N=176
% Time-Served by Offender Score:		
Low Offender Seriousness Score	48%, Median=48%,	N=97
High Offender Seriousness Score	52%, Median=58%,	N=113
% Time-Served by Sentence Length:		
13-41 Months	52%, Median=53%,	N=103
42-60 Months	49%, Median=53%,	N=58
>=61 Months	48%, Median=47%,	N=49

Time-served varied dramatically by release type (see Table 3). In comparison to person and property offenders, a greater percentage of drug offenders had been released on parole (56%). Thirty-seven percent (37%) had been released via mandatory release and 7% had been released by the court. Drug offenders who were released on parole served 40% of their sentence

on average, whereas drug offenders released via mandatory release served 71% of their sentence on average. Persons who were released by the court served 19% of the imposed term on average.

Time-served did not vary substantially by offense or offender score (see Table 3).[10] Persons with low offense seriousness scores served 49% of the imposed term while persons with high offense seriousness scores served 50% of the imposed term. Likewise, persons with low offender scores served 48% while persons with high offender scores served 52% of the imposed term..

Similarly, time-served did not vary much by total sentence length (see Table 3). Drug offenders with short sentences (13-41 months) served 52% of their sentence on average, whereas drug offenders with medium sentences (42-60 months) and long sentences (greater 61 months) served 49% and 48% of their sentence, respectively.

5. Summary

Time-served data were collected on samples of person, property, and drug offenders sentenced during 1993 who received sentences of greater than 1 year and less than 10 years. The results of the present study will therefore generalize only to individuals sentenced to terms of between 1 and 10 years who had been incarcerated in a state facility.

Time-served data were available for approximately two-thirds of the sample. Data for remaining one-third were unavailable for two primary reasons: (1) sample members had been incarcerated in local jails rather than the state prison system (even though sentences were greater

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[10]Seriousness category was used to determine the offense seriousness score. A "low" offense score ranged from 4 to 5 and a "high" offense score ranged from 2 to 3. A "low" offender score ranged from 0 to 3 and a "high" offender score ranged from 4 to 9.

than 1 year)[11]; and (2) sample members were still incarcerated at the end of the data collection period. In addition, a small percentage of persons could not be located.

Missing data-values (i.e., cases where complete case information was unavailable) present a problem to the analysis (i.e., potentially biased results) if the cases that are missing differ systematically from cases that are not missing, and any such differences are related to the construct of interest, time-to-serve[12]. Since the intent of the study is to focus exclusively on persons who served sentences of less than ten years in prison (as opposed to jail), the fact that information was unavailable for persons who served time in jail should not be problematic. The results of the present study will only generalize to individuals who served time in prison. Similarly, results of the study were only intended to generalize to individuals required to serve a term of less than 10 years. Among those individuals who were still incarcerated at the time of data collection and therefore lacked complete case information, approximately 51% (across the three samples combined) were required to serve 10 or more years (including additional time).[13]

The results of the present study revealed that drug offenders served 50% of the imposed

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[11]Note that across the three samples the majority of persons who were held in local facilities received sentences of 18 months (74%). Four counties accounted for almost 60% of the individuals held in local facilities (Anne Arundel, Baltimore, Montgomery, and Prince George's counties).

[12]For example, it is possible that individuals who were still incarcerated at the time of data collection may be more likely to serve a higher percentage of their sentence. If this is true, the estimate of time-to-serve based on the subsample of individuals who had been released by the time of data collection may underestimate the true value of time-to-serve. It would be possible to test whether the current estimate of time-to-serve is understated by collecting followup data on the individuals who had not yet been released and then including them in the sample.

[13]Note that across the three samples the majority of persons (68.7%) who were still incarcerated at the time of data collection had additional time added to the target sentence.

prison term on average. Both person and property offenders served 55% of the imposed prison term on average. Examination of "pure" cases (target sentence only) suggested that such individuals served roughly the same percentage of time as "nonpure" cases (target sentence plus additional time), although "nonpure" property and drug offenders tended to serve a slightly greater percentage of the imposed term. Due to the modification of parole eligibility legislation (Article 41, Section 4-516) which requires person and select property offenders to serve 50% of their sentence before being considered eligible for parole, time-to-serve for person and select property offenses may increase in the future.

Persons in the present study (individuals serving between 1 and 10 years) served a slightly smaller percentage of the imposed term than persons convicted of violent offenses (643B offenses) (average sentence length of 13 years). The DPSCS estimated that persons convicted of serious, violent offenses served 60% of their sentence on average.

Release type varied substantially across the samples. Approximately, 56% of the drug offender sample, for example, were released on parole as compared to 33% of the person offender and 17% of the property offender samples. Court release was surprisingly common. Among the three samples combined, roughly 9% of the offenders were released by means of court release.

The release mechanism (parole, mandatory release, or court release) was the major determinant of time-served. Persons released by the court served the smallest portion of their total sentence (roughly one-quarter of the sentence). Persons released on parole served between 40% (drug offenses) and 48% (person offenses) of their total sentence, whereas persons released via mandatory release served between 64% (person offenses) and 71% (drug offenses) of their

total sentence. The method of release appeared to be related to offender score since persons (among the three samples combined) with low offender scores (0-2) were more likely to be released on parole, thereby serving a smaller percentage of their total sentence.

6. Implications for Sentencing Guidelines

One of the principal objectives of structured sentencing schemes is to reduce unwarranted sentencing disparity. In theory, defendants in Maryland who possess similar offense and offender scores should receive similar sentence outcomes by virtue of the sentencing guidelines. While structured sentencing schemes are intended to address unwarranted sentencing disparity at the "front-end," they are powerless to address disparity (warranted or unwarranted) at the "back-end." As the present study reveals, individuals served substantially different sentences depending on the release mechanism. Individuals released via the court served roughly one-quarter of their imposed sentence, whereas individuals released on parole served roughly one-half of their imposed sentence and individuals released by means of mandatory release served roughly two-thirds of their imposed sentence.

Court release seemed to produce the most noticeable disparity. Sentenced offenders may be released by the court in several ways. One form of court release empowers judges to reconsider sentences within a 90-day window.[14] Court release may also result from review by a judicial Review Panel or from a defendant's appeal. The OBSCIS I data base does not distinguish between specific types of court release.

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[14]Exceptions to the 90-day window exist whereby judges may reconsider sentences after 90 days. In the current sample, 15% of the court releases took place within 90 days. Approximately, 62% of the court releases took place during the first year of incarceration.

Due to the court release process, criminal sentences may appear to be consistent with the sentencing guidelines, while in reality defendants receive a substantially different sentence.[15] Note, however, that the use of court release does not appear to be common throughout the state of Maryland. Nearly one-half of the court releases in this sample took place in 2 counties (Prince George's and St. Mary's counties).

In summary, although structured sentencing may reduce disparity at the front-end, it is also important to consider the effect of discretionary decision making at the back-end since such discretion materially influences the severity of a given sentence. To that end, an understanding of the factors which influence court release and parole decision making in the state of Maryland is essential. What percentage of offenders are released by means of court release? To what extent is parole release based on objective measures of recidivism risk?[16] To what extent is parole release used to rectify jurisdictional disparity in sentencing? In order to reduce unwarranted disparity in both the judicially imposed sentence *and* the percentage of time-served, both structured sentencing and structured parole decision making processes would seem necessary.

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[15]Sixty-five percent of the persons released by means of court release received sentences that were deemed consistent with the sentencing guidelines.

[16]Parole release should be linked in part to objective measures of recidivism risk. Examination of time served by Offense and Offender score did not reveal substantial variation by where individuals fell on each of the three sentencing grids. Persons with "low" Offender scores served a slightly shorter percentage of their total sentence (4%) on average (3 samples combined) than persons with "high" Offender scores. Persons with Offender scores ranging from 0 to 2 appeared to be more likely to be released on parole. Persons with "low" Offense scores among the person and property samples also served a smaller proportion of their sentence (4% to 8%).

7. Implications for a Truth-in-Sentencing Policy

The gap between the length of judicially imposed sentences and the actual time-to-serve provided much of the impetus behind "truth-in-sentencing" policies. Truth-in-sentencing requires a high degree of correspondence between the judicially imposed sentence and the time-to-serve.

Clearly, in order to implement a truth-in-sentencing policy, the percent of the judicially imposed sentence that individuals serve must be increased. However, since time-to-serve under a truth-in-sentencing policy (e.g., 85%) often departs dramatically from time-to-serve under the present system, a critical question becomes whether to maintain or reduce currently imposed sentence lengths. If currently imposed sentence lengths are maintained (and time-to-serve is increased), the severity of a given sentence will obviously increase. However, if currently imposed sentence lengths are reduced (and time-to-serve is increased), the severity of a given sentence will remain relatively constant. The overall level of punishment associated with a particular crime will therefore not fluctuate over time.

In order to assess the potential impact of truth-in-sentencing policies on the prison system, accurate estimates of time-served are essential. Clearly, the effect of truth-in-sentencing on the prison system depends on the definition of truth-in-sentencing that is adopted. What percentage of an imposed sentence would offenders have to serve to constitute truth-in-sentencing? What types of offenses would fall under the rubric of a truth-in-sentencing policy?

Consider the following illustration of the impact of an 85% truth-in-sentencing policy using the present sample as an example. In order to meet a hypothetical 85% truth-in-sentencing mandate, the current sample (individuals required to serve between 1 and 10 years) would have

to serve an additional 35% of the original sentence on average. The total sample of 387 individuals served 795 years (or 9,540 bed-months) out of a total of 1,559 possible years (or 18,708 bed-months). Under 85% truth-in-sentencing, those same individuals would be required to serve an additional 530 years for a grand total of 1,325 years (or 15,900 bed-months). Even for a small sample such as this, an 85% truth-in-sentencing policy would appear to have a significant impact on prison bed space needs.

A more restrictive truth-in-sentencing policy which only applies to a small number of serious, violent crimes may also be implemented (e.g., murder, rape, armed robbery, etc.). The impact on the prison system may not be as dramatic as an across the board truth-in-sentencing policy. Nevertheless, even if such inmates already serve a high percentage of their imposed sentence (due to the nature of the crime), an 85% truth-in-sentencing policy would still appear to have a nontrivial impact on the prison population since prison populations tend to be driven primarily by persons serving longer sentences (Young & Brown, 1992). For example, a 10% increase in time-to-serve from 75% to 85% for a twenty-year sentence amounts to an increase in time-served of 2 years. Using the DPSCS time-served estimate of 60% for serious, violent crimes (i.e., 643B offenses), a 25% increase in time-served would translate to an additional 5 years for the same hypothetical twenty-year sentence.

During calendar year 1996, the DPSCS reported that 544 persons sentenced for serious, violent offenses (643B offenses) were committed to state facilities with sentences exceeding 10 years (not including 82 life sentences) (DPSCS, 1996). If each new intake was required to serve an additional 25%, the intake group together would serve a minimum of 1,360 additional years (assuming sentence length was *only* 10 years). Over the long run, the increase in time served

would accumulate as additional cohorts of inmates sentenced for violent crimes entered the system. The DPSCS (1996) projected that by the year 2015, an 85% truth-in-sentencing policy for 643B violent offenses would require 4,192 additional beds (not including beds required for parole eligible lifers).

Thus *absent new prison construction*, it seems clear that in order to implement truth-in-sentencing policies (either for a subset of serious violent offenses or for all felony offenses), current sentence lengths as recommended by the voluntary sentencing guidelines would have to be reduced. For example, if truth-in-sentencing is expected to apply to the full-range of offenses, one possible strategy would be to reduce the imposed sentence length by 30% for all offenses. Given the political constraints surrounding the reduction of sentence lengths for serious, violent offenses (even if the severity of the punishment or time-to-serve remains the same), an alternative strategy may be to reduce sentence lengths for all offenses except serious, violent offenses. Such a strategy would effectively increase the severity of punishment for persons convicted of this class of crime only. According to DPSCS estimates, however, the adoption of the latter strategy would still greatly increase the demand for prison bedspace.

In conclusion, the principal objectives and likely consequences of a truth-in-sentencing policy must be carefully considered. Is the principal goal of a truth-in-sentencing policy to close the gap between imposed sentence length and time-to-serve such that judges, defendants, victims, and the public at large would know at the time of sentencing how long an offender would be expected to serve? Is the truth-in-sentencing policy intended to maintain the overall severity of the sanctioning system or is it intended to increase the level of punishment for all offenses or for a subset of offenses? Are resources available for the additional prison construction such a policy

would require?

References

Department of Public Safety and Correctional Services, Office of Research and Statistics. (1996). *Estimated Prison Population Growth.* Unpublished report.

Langan, P.A. (1997, July). *Felony Sentences in the United States, 1994.* Bureau of Justice Statistics Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs.

Lynch, J.P. & W.J. Sabol. (1997, August). *Did Getting Tough on Crime Pay?* The Urban Institute Crime Policy Report. Washington, D.C.: The Urban Institute.

Young, W. & M. Brown. (1996). *Cross-national Comparisons of Imprisonment.* In M. Tonry (Ed.) Crime and Justice; A Review of Research (vol. 17). Chicago: The University of Chicago Press.

Appendix

Time-served Data Among Samples of Persons Convicted of Person, Property, and Drug Offenses and Sentenced to Between 1 Year and 10 Years During Calendar Year 1993.

Attribute	Person N=182	Property N=102	Drug N=301	Total N=585
Status (N, % Yes)				
Complete Information	123 (67.6)	54 (52.9)	210 (69.8)	387 (66.2)
Local Jail	29 (15.9)	20 (19.6)	44 (14.6)	93 (15.9)
Couldn't Locate	4 (2.2)	15 (14.7)	18 (6.0)	37 (6.3)
Incarcerated	26 (14.3)	12 (11.8)	29 (9.6)	67 (11.5)
Other	--	1 (1.0)	--	1 (0.2)
"Pure" Cases (N, % Yes)*	78 (63.4)	31 (57.4)	126 (60.0)	235 (60.7)
Release Type (N, % Yes):				
Parole	40 (32.5)	9 (16.7)	117 (55.7)	166 (42.9)
Mandatory Release	71 (57.7)	37 (68.5)	78 (37.1)	186 (48.1)
Court Release	11 (8.9)	8 (14.8)	15 (7.1)	34 (8.8)
Other Release	1 (0.8)	--	--	1 (0.3)
TIME SERVED AMONG INDIVIDUALS WITH COMPLETE CASE INFORMATION:				
% Total Time Served (X, SD)	0.55 (0.17) Median=0.57 N=123	0.55 (0.20) Median=0.56 N=54	0.50 (0.21) Median=0.51 N=210	0.53 (0.20) Median=0.55 N=387
% Time Served, "Pure" Cases*	0.55 (0.18) Median=0.58 N=78	0.53 (0.22) Median=0.56 N=31	0.48 (0.21) Median=0.50 N=126	0.51 (0.20) Median=0.54 N=235
Time Served by Release Type:				
Parole (X, SD)	0.48 (0.09) Median=0.47 N=40	0.42 (0.17) Median=0.40 N=9	0.40 (0.14) Median=0.39 N=117	0.42 (0.13) Median=0.43 N=166
Mandatory Release	0.64 (0.10) Median=0.65 N=71	0.65 (0.11) Median=0.61 N=37	0.71 (0.08) Median=0.70 N=78	0.67 (0.10) Median=0.67 N=186
Court Release	0.26 (0.25) Median=0.20 N=11	0.26 (0.18) Median=0.20 N=8	0.19 (0.11) Median=0.17 N=15	0.23 (0.18) Median=0.20 N=34

* "Pure" cases consist of individuals who served time for the target offense only. Such individuals were not required to serve additional time stemming from prior or subsequent convictions or additional time resulting from a probation or parole revocation. Even if additional time was considered "concurrent" to the target sentence, such cases were not considered "pure."

Appendix--*Continued.*

Attribute	Person N=182	Property N=102	Drug N=301	Total N=585
% Time Served by Sentence Length:				
13 to 41 Months (X, SD)	0.58 (0.14) Median=0.58 N=44	0.58 (0.17) Median=0.56 N=27	0.52 (0.20) Median=0.53 N=103	0.54 (0.18) Median=0.56 N=174
42 to 60 Months	0.56 (0.19) Median=0.58 N=54	0.49 (0.23) Median=0.54 N=13	0.49 (0.23) Median=0.53 N=58	0.52 (0.21) Median=0.56 N=125
Greater 61 Months	0.50 (0.16) Median=0.50 N=25	0.57 (0.22) Median=0.55 N=14	0.48 (0.20) Median=0.47 N=49	0.50 (0.19) Median=0.50 N=88
% Time Served by Offense Score				
Low Seriousness Score (X, SD)**	0.53 (0.16) Median=0.53 N=62	0.53 (0.18) Median=0.54 N=37	0.49 (0.20) Median=0.46 N=34	---- ---- ----
High Seriousness Score	0.57 (0.17) Median=0.60 N=61	0.61 (0.22) Median=0.69 N=17	0.50 (0.21) Median=0.52 N=176	---- ---- ----
% Time Served by Offender Score				
Low Seriousness Score (X, SD) (0 - 3)	0.54 (0.18) Median=0.57 N=65	0.51 (0.18) Median=0.56 N=12	0.48 (0.20) Median=0.48 N=97	0.50 (0.19) Median=0.52 N=174
High Seriousness Score (4 - 7+)	0.57 (0.16) Median=0.56 N=58	0.57 (0.20) Median=0.56 N=42	0.52 (0.21) Median=0.58 N=113	0.54 (0.20) Median=0.57 N=213

** The low and high offense scores were dichotomized differently depending on crime type. A point score conversion based on seriousness category was used to classify person offenders. Among Person Offenders a "low" offense scores ranged from 1 to 4. A "high" offense score ranged from 5 to 12. Among property and drug offenders, the seriousness category was used to classify offenses. Among Property Offenders, "high" offense scores ranged from 3 to 4 and "low" offense scores ranged from 5 to 7. Among Drug Offenders, "high" offense scores ranged from 2 to 3 and "low" offense scores ranged from 4 to 5.

Appendix--*Continued.*

Attribute	Person N=182	Property N=102	Drug N=301	Total N=585
TIME SERVED AMONG THOSE RELEASED ON PAROLE OR MANDATORY RELEASE ONLY				
% Time Served (X, SD)	0.58 (0.12) Median=0.58 N=111	0.61 (0.15) Median=0.58 N=46	0.53 (0.19) Median=0.53 N=195	0.55 (0.17) Median=0.57 N=352
% Time Served, "Pure" Cases*	0.60 (0.12) Median=0.60 N=70	0.60 (0.17) Median=0.58 N=26	0.51 (0.19) Median=0.52 N=114	0.55 (0.17) Median=0.57 N=210
% Time Served by Sentence Length:				
13 to 41 Months (X, SD)	0.59 (0.12) Median=0.58 N=40	0.60 (0.15) Median=0.56 N=26	0.53(0.20) Median=0.55 N=98	0.56 (0.17) Median=0.56 N=164
42 to 60 Months	0.61 (0.12) Median=0.60 N=48	0.58 (0.17) Median=0.68 N=10	0.53 (0.20) Median=0.58 N=51	0.57 (0.17) Median=0.60 N=109
Greater 60 Months	0.53 (0.13) Median=0.54 N=23	0.66 (0.14) Median=0.72 N=10	0.50 (0.18) Median=0.49 N=46	0.53 (0.17) Median=0.52 N=79

* "Pure" cases consist of individuals who served time for the target offense only. Such individuals were not required to serve additional time stemming from prior or subsequent convictions or additional time resulting from a probation or parole revocation. Even if additional time was considered "concurrent" to the target sentence, such cases were not considered "pure."